

Offence Info		Determination of an offence					Determination of penalty					HVLN Considerations		Recommendation		Comments				
Section Number and Provision	What is the offence?	Maximum Penalty	Offence Category	Is it a public safety offence?	Is it a public safety offence?	Is it a public safety offence?	Is it a public safety offence?	Is it a public safety offence?	Is it a public safety offence?	Is it a public safety offence?	Is it a public safety offence?	Is it a public safety offence?	Is it a public safety offence?	Is it a public safety offence?	Is it a public safety offence?	Is it a public safety offence?	Is it a public safety offence?			
25(43) Keeping a copy of PBS vehicle approval while driving	Driver	370	377	Driving a heavy vehicle in a PBS fashion when it is not a PBS vehicle	The main purposes of this Part and other associated provisions of this Law are to enable PBS vehicles that meet a particular performance level to operate (unless otherwise specified by the responsible Minister) on roads that are authorised to be used by PBS vehicles that meet or exceed that performance level. Yes - record keeping is generally considered a part of safety legislation in order to allow compliance and enforcement	no	no	no	no	no	no	no	no	no	no	no	no	Keep	In line with the idea to remove record keeping penalties - it doesn't seem that this penalty provides much value in terms of safety and the compliance and enforcement aspect can be found. We would need to ensure that information that may be provided in the design approval is available roadside if required. Need to chat to Peter Austin/Les. I note that this provision was amended in 2018	
25(43) Keeping a copy of PBS vehicle approval while driving	Heavy Duty	370	377	Driving a heavy vehicle in a PBS fashion when it is not a PBS vehicle	The main purposes of this Part and other associated provisions of this Law are to enable PBS vehicles that meet a particular performance level to operate (unless otherwise specified by the responsible Minister) on roads that are authorised to be used by PBS vehicles that meet or exceed that performance level. Yes - record keeping is generally considered a part of safety legislation in order to allow compliance and enforcement	no	no	no	no	no	no	no	no	no	no	no	no	Keep	In line with the idea to remove record keeping penalties - it doesn't seem that this penalty provides much value in terms of safety and the compliance and enforcement aspect can be found. We would need to ensure that information that may be provided in the design approval is available roadside if required. Need to chat to Peter Austin/Les. I note that this provision was amended in 2018	
26(2)(1) Duty of executive of legal entity	Executive of a legal entity																		Revise	This offence and penalty is current as part of the maintenance package. It is clear the original provision was filled from the model WHS law and repeated the same penalty statement that we have
24(2) Prohibited requests and contracts	Person	1500		This provision prohibits the request or contract that cause a driver to speed or drive while fatigued	The purpose of this part of the HVLN is to provide for outcomes based duties and offences to control safety in the heavy vehicle industry. Yes - it provides for outcomes based regulation that is consistent with the broader safety regulation	Yes	No	No	Yes	The entering of controls and requesting is not legislated elsewhere - however the conduct of driving whilst fatigued and speeding is prohibited.	Yes	No	No	Yes	No	No	No	Revise	This offence was recently added to the HVLN. It is an important provision, however, the penalty for such should probably be lifted to ensure that effective deterrence is realised	
24(2) Prohibited requests and contracts	Person	1500		This provision prohibits the request or contract that cause a driver to speed or drive while fatigued	The purpose of this part of the HVLN is to provide for outcomes based duties and offences to control safety in the heavy vehicle industry. Yes - it provides for outcomes based regulation that is consistent with the broader safety regulation	Yes	No	No	Yes	The entering of controls and requesting is not legislated elsewhere - however the conduct of driving whilst fatigued and speeding is prohibited.	Yes	No	No	Yes	No	No	No	Revise	This offence was recently added to the HVLN. It is an important provision, however, the penalty for such should probably be lifted to ensure that effective deterrence is realised	
29(1) Category 1 offence	Party in the CoR																		Keep	
29(1) Category 2 offence	Party in the CoR																		Keep	
29(1) Category 3 offence	Party in the CoR																		Keep	
95(10) Compliance with heavy vehicle standards	Person	370	377	Driving a vehicle that does not meet vehicle standards	The need to ensure that all heavy vehicles comply with certain standards in order to meet the object of the HVLN. Yes	Yes	No	No	Yes	Not - this needs to be considered in order to provide sufficient deterrent to a person operating a heavy vehicle in a manner compliant with the vehicle standards. CHECK WITH PA	Yes	No	No	Yes	No	No	No	Revise	The penalty level could be changed in order to reflect the seriousness of the offence	
95(10) Compliance with heavy vehicle standards	Person	750	758	Driving a vehicle that does not meet vehicle standards, in particular a speed limiter	The need to ensure that all heavy vehicles comply with certain standards in order to meet the object of the HVLN, and heavy vehicles are prohibited from speeding. Yes	Yes	No	No	Yes	Not - this needs to be considered in order to provide sufficient deterrent to a person operating a heavy vehicle in a manner compliant with the vehicle standards. CHECK WITH PA	Yes	No	No	Yes	No	No	No	Revise	The penalty level could be changed in order to reflect the seriousness of the offence	
75(2) Return of permit	Person	500	501	Operating under a permit that has been cancelled or amended	The law wants to ensure that people comply with heavy vehicle standards. Yes	Yes	No	No	No	Not - really these sorts of things can be done with operational systems. CHECK WITH PA	Yes	No	No	Yes	No	No	No	Revise	The penalty does not have really any safety benefit and is intended to make sure that the person operating under the permit have it in a state that is reasonable. The permits are now available roadside in an electronic form meaning the offence does not make to much sense any more	
81(1) Replacement of dulled etc. permits	Person	500		Operating under a permit that have been damaged and cannot be easily read	The law wants that to ensure that compliance and enforcement can be achieved for heavy vehicles operate with proper oversight. Yes	Yes	No	No	No	Not - really these sort of things can be managed operationally and the permits are electronic now	Yes	No	No	Yes	No	No	No	Revise	The penalty does not have really any safety benefit and is intended to make sure that the person operating under the permit have it in a state that is reasonable. The permits are now available roadside in an electronic form meaning the offence does not make to much sense any more	
81(1) Contravening condition of vehicle standards exemption	Person	500	501	Using a heavy vehicle in a manner that contravenes a condition of a notice or permit	The act needs some teeth to it in order to ensure that a person operating a heavy vehicle does not contravene a condition of a notice or permit. Yes	Yes	No	No	No	Yes - you will some ability to seek enforcement of a condition of a vehicle standards permit. ASK PA	Yes	No	No	Yes	No	No	No	Revise	Although this penalty is important there seem to be duplication between 81(1-3) it would be good to revise them in order to streamline them into a single offence	
81(1) Contravening condition of vehicle standards exemption	Person	500	501	Using a heavy vehicle in a manner that contravenes a condition of a notice or permit	The act needs some teeth to it in order to ensure that a person operating a heavy vehicle does not contravene a condition of a notice or permit. Yes	Yes	No	No	No	Yes - you will some ability to seek enforcement of a condition of a vehicle standards permit. ASK PA	Yes	No	No	Yes	No	No	No	Revise	Although this penalty is important there seem to be duplication between 81(1-3) it would be good to revise them in order to streamline them into a single offence	
81(1) Contravening condition of vehicle standards exemption	Person	500	501	Using a heavy vehicle in a manner that contravenes a condition of a notice or permit	The act needs some teeth to it in order to ensure that a person operating a heavy vehicle does not contravene a condition of a notice or permit. Yes	Yes	No	No	No	Yes - you will some ability to seek enforcement of a condition of a vehicle standards permit. ASK PA	Yes	No	No	Yes	No	No	No	Revise	Although this penalty is important there seem to be duplication between 81(1-3) it would be good to revise them in order to streamline them into a single offence	
82(1) Keeping relevant document while driving under vehicle standards exemption (person)	Driver	370	377	The conduct to be determined is not carrying appropriate records when operating a heavy vehicle that is under and vehicle standards exemption condition	The purpose of these provisions is to have oversight of possible exemptions to vehicle standards and control who can operate outside of these. Yes	Yes	No	No	No	somewhat - yes - this is a record keep offence. No - the HVLN is the only piece of legislation that governs.	Yes	No	No	Yes	No	No	No	Revise	Although record keep penalties are important the fine is large for not having the document on the driver. Given that we want to remove offences away from drivers and place things more in the primary duty this seems to be an odd offence. Further, the records can be obtained through RCMS roadside so there is no need for them to carry the documents - PA to confirm that this information can be found roadside or it is needed roadside.	
82(1) Keeping relevant document while driving under vehicle standards exemption (person)	Heavy Duty	370	377	The conduct to be determined is not carrying appropriate records when operating a heavy vehicle that is under and vehicle standards exemption condition	The purpose of these provisions is to have oversight of possible exemptions to vehicle standards and control who can operate outside of these. Yes	Yes	No	No	No	somewhat - yes - this is a record keep offence. No - the HVLN is the only piece of legislation that governs.	Yes	No	No	Yes	No	No	No	Revise	Although record keep penalties are important the fine is large for not having the document on the driver. Given that we want to remove offences away from drivers and place things more in the primary duty this seems to be an odd offence. Further, the records can be obtained through RCMS roadside so there is no need for them to carry the documents - PA to confirm that this information can be found roadside or it is needed roadside.	
82(1) Keeping copy of permit while driving under vehicle standards exemption (person)	Driver	370	377	The conduct to be determined is not carrying appropriate records when operating a heavy vehicle that is under and vehicle standards exemption condition	The purpose of these provisions is to have oversight of possible exemptions to vehicle standards and control who can operate outside of these. Yes	Yes	No	No	No	No - the HVLN is the only piece of legislation that governs.	Yes	No	No	Yes	No	No	No	Revise	Although record keep penalties are important the fine is large for not having the document on the driver. Given that we want to remove offences away from drivers and place things more in the primary duty this seems to be an odd offence. Further, the records can be obtained through RCMS roadside so there is no need for them to carry the documents.	
82(1) Keeping copy of permit while driving under vehicle standards exemption (person)	Driver	370	377	The conduct to be determined is not carrying appropriate records when operating a heavy vehicle that is under and vehicle standards exemption condition	The purpose of these provisions is to have oversight of possible exemptions to vehicle standards and control who can operate outside of these. Yes	Yes	No	No	No	No - the HVLN is the only piece of legislation that governs.	Yes	No	No	Yes	No	No	No	Revise	Although record keep penalties are important the fine is large for not having the document on the driver. Given that we want to remove offences away from drivers and place things more in the primary duty this seems to be an odd offence. Further, the records can be obtained through RCMS roadside so there is no need for them to carry the documents.	
82(1) Keeping copy of permit while driving under vehicle standards exemption (person)	Heavy Duty	370	377	The conduct to be determined is not carrying appropriate records when operating a heavy vehicle that is under and vehicle standards exemption condition	The purpose of these provisions is to have oversight of possible exemptions to vehicle standards and control who can operate outside of these. Yes	Yes	No	No	No	Yes - you need some enforcement. No - the HVLN is the only piece of legislation that governs.	Yes	No	No	Yes	No	No	No	Revise	Although record keep penalties are important the fine is large for not having the document on the driver. Given that we want to remove offences away from drivers and place things more in the primary duty this seems to be an odd offence. Further, the records can be obtained through RCMS roadside so there is no need for them to carry the documents.	
82(1) Modifying heavy vehicle requires approval	Person	370	377	Driving a vehicle that has been modified, and that it may be unsafe	Controlling the modification of heavy vehicles to increase safety and productivity. Yes	Yes	No	No	No	Yes - you need some enforcement. No - the HVLN is the only piece of legislation that governs.	Yes	No	No	Yes	No	No	No	Keep		
82(1) Modifying heavy vehicle requires approval	Person	370	377	Driving a vehicle that has been modified, and that it may be unsafe	Controlling the modification of heavy vehicles to increase safety and productivity. Yes	Yes	No	No	No	Yes - you need some enforcement. No - the HVLN is the only piece of legislation that governs.	Yes	No	No	Yes	No	No	No	Keep		

1534 (1) Using restricted access vehicle	Person	7500	750		Using a restricted access vehicle on a road without the requisite authority	Ensuring that safe access is granted to heavy vehicles in a manner that protects road infrastructure and does not create risks to safety	Yes	No	No	No	Yes - this provides the critical deterrent needed to ensure that heavy vehicles are only travelling on the roads that can handle their weight	No - there is no identifiable overlap	There is a fair amount of enforcement against this provision, however we know anecdotally that there is a fair amount of non-compliance. Consideration will need to be given the penalty level	The penalty level seems light and does not amount to the seriousness of a non-compliant access	The penalty is currently similar to other access penalties	N/A	N/A	Yes - it provides the prescriptive basis for safe operations of heavy vehicles	No	Yes - the penalty level isn't indicative of the seriousness of the damage and may allow for commercial benefit to be obtained	N/A	N/A	Revise	Consideration needs to be given to the level of the penalty and who the penalty is awarded to in this instance. Bernie's point that the NHVR can use compensation orders is valid, but doesn't negate the argument just yet. We need analysis to determine whether the NHVR actually can use these, how easy they are to access, whether it is possible to determine the actual cost to infrastructure, how that would be divided across road managers and assets, and limits to that cost. It is simpler to just increase the maximum penalty, if in theory, a less appropriate solution.
1535 Return of permit	Person	500	500		Following the regulator granting a permit or a notice for mass or dimensions, if that notice or permit was cancelled or amended that person must return that notice or permit to the regulator	ensuring the safety of heavy vehicles that may exceed dimensions or mass limits	Yes	No	No	No	No - it seems not to provide any value than document control. I would be surprised if this was being done	No	There is no enforcement taken against this offence and accordingly its value is most likely low	The value of the offence is not equitable to what is the conduct is. Returning a permit or notice that is electronic is a bit unnecessary	The penalty level is similar returning other offences within the HWNL and is significantly more than other similar offences within other GAD legislation	N/A	N/A	This offence does not support the primary duty in any meaningful way	Yes	Yes - the conduct is not really needed to be deterred in this context	No - authorities are mostly electronic these days and it may be hard to satisfy this offence	N/A	Revise	This offence is outdated and accordingly should be removed. It seems to be a bit silly that we require someone to return an electronic document when these sorts of things can be found roadside
1535 (2) Replacement of defective permit	Person	500			Ensuring that a mass or dimension authority is kept in a reasonable condition in order for understandability	ensuring the safety of heavy vehicles that may exceed dimensions or mass limits	Yes	No	No	No	No - it seems not to provide any value than document control. I would be surprised if this was being done	No	There is no enforcement taken against this offence and accordingly its value is most likely low	The value of the offence is not equitable to what is the conduct is.	The penalty is consistent with other penalties within the HWNL	N/A	N/A	This offence does not support the primary duty in any meaningful way	Yes	Yes - the conduct is not really needed to be deterred in this context	No - authorities are mostly electronic these days and it may be hard to satisfy this offence	N/A	Revise	This offence seems to be outdated and would hard to establish. It may seem a bit strange to have this on the record
1540 (1) Towing restriction	Person	1770	177		A person must not tow another motor vehicle or other heavy vehicle	ensuring the safety of heavy vehicles that may exceed dimensions or mass limits	Yes	No	No	No	Yes - it controls the safe operations of heavy vehicles when towing other heavy vehicles	No	There is no enforcement taken against this offence. However, it is a valuable prohibition	This provides a valuable prohibition to ensure the safe operation of heavy vehicles and provides an effective deterrent	The penalty is not consistent with other penalties within the HWNL	N/A	N/A	No	No	No	No	No	Keep	
1551 (1) Requirements about coupling trailers	Person	7500	750		A person must not tow a load in a trailer or other vehicle that is not securely coupled	Ensuring the safe use of heavy vehicles when towing a load that it is securely affixed to the heavy vehicle	Yes	Yes	No	No	Yes - it controls the safe operations of heavy vehicles when towing other trailers	No	Although the enforcement has been low - the prohibition is powerful in deterring unsafe behaviour in a prescriptive manner	This provides a valuable prohibition to ensure the safe operation of heavy vehicles and provides an effective deterrent	The penalty is not consistent with other penalties within the HWNL	N/A	N/A	No	No	No	No	No	Keep	
1551 (2) Requirements about coupling trailers	Person	7500	750		A person must not tow a load in a trailer or other vehicle that is not securely coupled	Ensuring the safe use of heavy vehicles when towing a load that it is securely affixed to the heavy vehicle	Yes	Yes	No	No	Yes - it controls the safe operations of heavy vehicles when towing other trailers	No	Although the enforcement has been low - the prohibition is powerful in deterring unsafe behaviour in a prescriptive manner	This provides a valuable prohibition to ensure the safe operation of heavy vehicles and provides an effective deterrent	The penalty is not consistent with other penalties within the HWNL	N/A	N/A	No	No	No	No	No	Keep	
1562 (1) False or misleading transport documentation for goods	Consignor	1200			Ensuring that false and misleading transport statements to not appear on documents in relation to heavy vehicles	Ensuring the safe use of heavy vehicles on the roads and that drivers and other parties are aware of the contents of the heavy vehicle	Yes	It may in some instances	No	No	Yes	Yes - there would be various other pieces of legislation that would control this in various forms. But I am only aware of this one being wholly in relation to the use of heavy vehicles	Although there has been low enforcement it is important for control of goods and safety	This provides a valuable information sharing provisions to ensure that persons are aware of the contents of the load for their safety	The penalty is consistent with other false and misleading statements	N/A	N/A	No	No	No	No	No	Keep	
1562 (2) False or misleading transport documentation for goods	Carrier	1200			Ensuring that false and misleading transport statements to not appear on documents in relation to heavy vehicles	Ensuring the safe use of heavy vehicles on the roads and that drivers and other parties are aware of the contents of the heavy vehicle	Yes	It may in some instances	No	No	Yes	Yes - there would be various other pieces of legislation that would control this in various forms. But I am only aware of this one being wholly in relation to the use of heavy vehicles	Although there has been low enforcement it is important for control of goods and safety	This provides a valuable information sharing provisions to ensure that persons are aware of the contents of the load for their safety	The penalty is consistent with other false and misleading statements	N/A	N/A	No	No	No	No	No	Keep	
1562 (3) False or misleading transport documentation for goods	Receiver	1200			Ensuring that false and misleading transport statements to not appear on documents in relation to heavy vehicles	Ensuring the safe use of heavy vehicles on the roads and that drivers and other parties are aware of the contents of the heavy vehicle	Yes	It may in some instances	No	No	Yes	Yes - there would be various other pieces of legislation that would control this in various forms. But I am only aware of this one being wholly in relation to the use of heavy vehicles	Although there has been low enforcement it is important for control of goods and safety	This provides a valuable information sharing provisions to ensure that persons are aware of the contents of the load for their safety	The penalty is consistent with other false and misleading statements	N/A	N/A	No	No	No	No	No	Keep	
1562 (4) False or misleading transport documentation for goods	Leasing manager or lessee	1200			Ensuring that false and misleading transport statements to not appear on documents in relation to heavy vehicles	Ensuring the safe use of heavy vehicles on the roads and that drivers and other parties are aware of the contents of the heavy vehicle	Yes	It may in some instances	No	No	Yes	Yes - there would be various other pieces of legislation that would control this in various forms. But I am only aware of this one being wholly in relation to the use of heavy vehicles	Although there has been low enforcement it is important for control of goods and safety	This provides a valuable information sharing provisions to ensure that persons are aware of the contents of the load for their safety	The penalty is consistent with other false and misleading statements	N/A	N/A	No	No	No	No	No	Keep	
1571 (1) False or misleading information in container weight declaration	Responsible entity for package container	1200			Ensuring that false and misleading transport statements to not appear on documents in relation to heavy vehicles	Ensuring the safe use of heavy vehicles on the roads and that drivers and other parties are aware of the contents of the heavy vehicle	Yes	It may in some instances	No	No	Yes	Yes - there would be various other pieces of legislation that would control this in various forms. But I am only aware of this one being wholly in relation to the use of heavy vehicles	Although there has been low enforcement it is important for control of goods and safety	This provides a valuable information sharing provisions to ensure that persons are aware of the contents of the load for their safety	The penalty is consistent with other false and misleading statements	N/A	N/A	No	No	No	No	No	Keep	
1571 (2) False or misleading information in container weight declaration	Operator of a heavy vehicle	1200			Ensuring that false and misleading transport statements to not appear on documents in relation to heavy vehicles	Ensuring the safe use of heavy vehicles on the roads and that drivers and other parties are aware of the contents of the heavy vehicle	Yes	It may in some instances	No	No	Yes	Yes - there would be various other pieces of legislation that would control this in various forms. But I am only aware of this one being wholly in relation to the use of heavy vehicles	Although there has been low enforcement it is important for control of goods and safety	This provides a valuable information sharing provisions to ensure that persons are aware of the contents of the load for their safety	The penalty is consistent with other false and misleading statements	N/A	N/A	No	No	No	No	No	Keep	
1581 (1) Duty of responsible entity	Responsible entity for package container	7500	750		A responsible entity must ensure that the operator of a heavy vehicle does not transport a contained by road without knowing the weight	Ensuring information about the weight of a load is known for the purposes of controlling mass	Yes	No	No	No	Yes	The requirement to mark containers would be covered in other legislation but this does not deal with ensuring that an operator is aware of the weight before transporting	Although enforcement is low - this is an important offence to ensure that information about weight is shared	The penalty is equivalent to the seriousness within the scheme	The penalty is consistent with other penalties within the act. It is also consistent with other penalties within other act	N/A	N/A	No	No	No	No	No	Keep	
1581 (2) Duty of operator	Operator of a heavy vehicle	7500	750		A responsible entity must ensure that the operator of a heavy vehicle does not transport a contained by road without knowing the weight	Ensuring information about the weight of a load is known for the purposes of controlling mass	Yes	No	No	No	Yes	The requirement to mark containers would be covered in other legislation but this does not deal with ensuring that an operator is aware of the weight before transporting	Although enforcement is low - this is an important offence to ensure that information about weight is shared	The penalty is equivalent to the seriousness within the scheme	The penalty is consistent with other penalties within the act. It is also consistent with other penalties within other act	N/A	N/A	No	No	No	No	No	Keep	
1581 (3) Duty of operator	Operator of a heavy vehicle	7500	750		A responsible entity must ensure that the operator of a heavy vehicle does not transport a contained by road without knowing the weight	Ensuring information about the weight of a load is known for the purposes of controlling mass	Yes	No	No	No	Yes	The requirement to mark containers would be covered in other legislation but this does not deal with ensuring that an operator is aware of the weight before transporting	Although enforcement is low - this is an important offence to ensure that information about weight is shared	The penalty is equivalent to the seriousness within the scheme	The penalty is consistent with other penalties within the act. It is also consistent with other penalties within other act	N/A	N/A	No	No	No	No	No	Keep	
1581 (4) Duty of driver	Person	7500	750		A responsible entity must ensure that the operator of a heavy vehicle does not transport a contained by road without knowing the weight	Ensuring information about the weight of a load is known for the purposes of controlling mass	Yes	No	No	No	Yes	The requirement to mark containers would be covered in other legislation but this does not deal with ensuring that an operator is aware of the weight before transporting	Although enforcement is low - this is an important offence to ensure that information about weight is shared	The penalty is equivalent to the seriousness within the scheme	The penalty is consistent with other penalties within the act. It is also consistent with other penalties within other act	N/A	N/A	No	No	No	No	No	Keep	
1581 (5) Duty of driver	Driver of a heavy vehicle	1770	177		A responsible entity must ensure that the operator of a heavy vehicle does not transport a contained by road without knowing the weight	Ensuring information about the weight of a load is known for the purposes of controlling mass	Yes	No	No	No	Yes	The requirement to mark containers would be covered in other legislation but this does not deal with ensuring that an operator is aware of the weight before transporting	Although enforcement is low - this is an important offence to ensure that information about weight is shared	The penalty is equivalent to the seriousness within the scheme	The penalty is consistent with other penalties within the act. It is also consistent with other penalties within other act	N/A	N/A	No	No	No	No	No	Keep	
1591 (1) Weight of freight container exceeds weight limit on container in safety approval plate	Consignor or Packer of goods	1200			A consignee or packer must ensure that the weight of contained does not exceed the maximum container weight or for as reasonably practicable	ensuring the load is safe for transporting and the container	Yes	Yes	No	No	Yes	No	Although enforcement has been low - this offence provides a valuable prohibition that is needed. It provides a valuable deterrent	The penalty is equivalent to the seriousness within the scheme	The penalty is consistent with other penalties within the act. It is also consistent with other penalties within other act	N/A	N/A	No	No	No	No	No	Keep	
1280 (1) Duty of driver to avoid driving while fatigued	Person	7500			Controlling the safety of heavy vehicles by controlling the fatigue of drivers	Yes - this fits within the remit of ensuring the safety of heavy vehicles on roads	Yes	Yes	No	No	Yes	Yes - this duty places requirements on drivers to manage their fatigue	There are requirements to manage fatigue under WHS laws. However there are no specific duties that deal with this matter	There is relatively low enforcement against this offence. The NHVR is aware that fatigue is a significant risk to transport activities - there is question as to whether this provides sufficient deterrent	Given the consequences of driving whilst fatigued the penalty level may not reflect the seriousness of the offence	The penalty is consistent with other penalties within the act. It is also consistent with other penalties within other act	N/A	N/A	Yes	No	No	No	Revise	We need to consider the penalty level to rather indicate the seriousness and its relationship to the work hours provisions.
1291 (1) Operating under standard hours - over 1000 hours	Self driver	500	500		A driver of a heavy vehicle working for longer period of time allowed under standard hours or resting less than what is required	This is the controlling of work and rest periods. It fits within the idea of ensuring that driver fatigue is controlled to ensure safe transport activities	Yes	No	No	No	No	No - I am not aware of other legislation that controls fatigue of heavy vehicle drivers in this manner	There is a large amount of enforcement activity against these offences. This is most likely in the interests of persons to keep working and rest less.	These offences carry some of the largest penalties within the context of the Act, this indicates the seriousness of fatigue	The penalty level is consistent with other offences within the HWNL	N/A	N/A	No - but provides a prescriptive tier necessary for smaller and simpler operators	No	Yes - drivers are incentivised, if they have committed a minor risk breach, to continue driving and maximise the value they gain from the breach. Perhaps the size of the offence penalty should be tied to the extent to which the breach was maximised?	N/A	N/A	Revise	Consideration of % increase to resolve the underlying perverse incentive

299	Two up driver to provide details	Driver	370	377	This provision ensures that certain information is filled out at the start of a shift to make sure that work diaries are filled out correctly	The use of a work diary in a method in which is complete in order to allow a driver to manage their fatigue and compliance and enforcement to be achieved	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	Yes - in the event that fatigue is not controlled a crash could occur leading to severe consequences	No	Yes	No	No	This offence has been regulated for some time - it provides an effective deterrent to make sure that two up driver details are written down	The H/NLR takes fatigue very seriously. This offences seriousness is reflective of the conduct that is trying to be deterred - however these are large fines for not filling in a record correctly	I can not find a comparable offences for keeping a work and rest diary	N/A	N/A	Yes - it provides the evidence base in which safety risks in which fatigue is involved can be used	Yes		Possibly, but there doesn't appear to be much value to doing so here.	Keep		
301	Recording information in written work diary	Driver	160	180	This provision requires conduct of not filling out a work diary in a certain manner. For example, making sure the driver signs each page, requiring a separate daily sheet, and making sure the instructions in the work diaries are complied with	The use of a work diary in a method in which is complete in order to allow a driver to manage their fatigue and compliance and enforcement to be achieved	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	Yes - in the event that fatigue is not controlled a crash could occur leading to severe consequences	No	Yes	No	No	This offence has been regulated for some time - it provides an effective deterrent to make sure work diaries are filled out correctly	The H/NLR takes fatigue very seriously. This offences seriousness is reflective of the conduct that is trying to be deterred - however these are large fines for not filling in a record correctly	I can not find a comparable offences for keeping a work and rest diary	N/A	N/A	Yes - it provides the evidence base in which safety risks in which fatigue is involved can be used	Yes		Possibly, but there doesn't appear to be much value to doing so here.	Keep		
302	Recording information in electronic work diary	Driver	190	180	This provision requires a driver to enter work diary information into an EWD in a way that complies with the manufacturers and the regulators instructions	The use of a work diary in a method in which is complete in order to allow a driver to manage their fatigue and compliance and enforcement to be achieved	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	Yes - in the event that fatigue is not controlled a crash could occur leading to severe consequences - marking the time zone of the drivers base allows drivers to control their fatigue more accurately rather than trying to account for timezones	No	Yes	No	No	This offence has been regulated for some time - it provides an effective deterrent to make sure work diaries are filled out correctly	The H/NLR takes fatigue very seriously. This offences seriousness is reflective of the conduct that is trying to be deterred - however these are large fines for not filling in a record correctly	I can not find a comparable offences for keeping a work and rest diary	N/A	N/A	Yes - it provides the evidence base in which safety risks in which fatigue is involved can be used	Yes		Possibly, but there doesn't appear to be much value to doing so here.	Keep		
303	Time zone of driver's base must be used	Driver	160	180	The driver must record the time in the drivers base and not the time zone that they are currently in	The use of a work diary in a method in which is complete in order to allow a driver to manage their fatigue and compliance and enforcement to be achieved	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	Yes - in the event that fatigue is not controlled a crash could occur leading to severe consequences - marking the time zone of the drivers base allows drivers to control their fatigue more accurately rather than trying to account for timezones	No	Yes	No	No	This offence has been regulated for some time - it provides an effective deterrent to make sure work diaries are filled out correctly	The H/NLR takes fatigue very seriously. This offences seriousness is reflective of the conduct that is trying to be deterred - however these are large fines for not filling in a record correctly	I can not find a comparable offences for keeping a work and rest diary	N/A	N/A	Yes - it provides the evidence base in which safety risks in which fatigue is involved can be used	Yes		Possibly, but there doesn't appear to be much value to doing so here.	Keep		
304	Driver must make supplementary records in particular circumstances	Driver	750	758	Where a drivers work diary is filled up or malfunctioning, a driver must make supplementary records until a new work diary can be obtained or fixed	The use of a work diary in a way which is complete to allow a driver to manage their fatigue	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	Yes - in the event that fatigue is not controlled a crash could occur leading to severe consequences	No	Yes	No	No	This is a key offence to ensure that there is appropriate deterrence for drivers not making supplementary records	The H/NLR takes fatigue very seriously. The penalty level is equivalent to that of the carrying a work diary, it is a large fine for a driver	The penalty level is consistent with carrying a work diary	N/A	N/A	Yes - it provides the evidence base in which safety risks in which fatigue is involved can be used	Yes	No - given that the fine is equivalent to not carrying a work diary	N/A	Keep		
305	Driver must make supplementary records in particular circumstances	Driver	370	377	Ensuring that where a driver is using a supplementary records that recording it in a way that is similar to that of a written work diary, this includes the information for each day being written on separate pages and signed	The use of a work diary in a way which is complete to allow a driver to manage their fatigue and compliance and enforcement	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	Yes - in the event that fatigue is not controlled a crash could occur leading to severe consequences	No	Yes	No	No	This is a key offence to ensure that there is appropriate deterrence for drivers not making supplementary records with the requisite information	The H/NLR takes fatigue very seriously. The penalty level is significant for not recording the right information in the supplementary. The penalty is significantly more than not recording the right information in a work diary. Accordingly it seems very excessive	The penalty level is different to other penalty levels for similar offences within the H/NLR	N/A	N/A	Yes - it provides the evidence base in which safety risks in which fatigue is involved can be used	Yes	Yes - the penalty level is equivalent to other penalty levels for similar offences	N/A	There may be opportunity to streamline this provision	Keep	There may be opportunity to streamline this provision
306	Driver must make supplementary records in particular circumstances	Driver	160	160	The driver must record the time in the drivers base and not the time zone that they are currently in	The use of a work diary in a method in which is complete in order to allow a driver to manage their fatigue and compliance and enforcement to be achieved	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	Yes - in the event that fatigue is not controlled a crash could occur leading to severe consequences - marking the time zone of the drivers base allows drivers to control their fatigue more accurately rather than trying to account for timezones	No	Yes	No	No	This offence has been regulated for some time - it provides an effective deterrent to make sure work diaries are filled out correctly	The H/NLR takes fatigue very seriously. This offences seriousness is reflective of the conduct that is trying to be deterred - however these are large fines for not filling in a record correctly	I can not find a comparable offences for keeping a work and rest diary	N/A	N/A	Yes - it provides the evidence base in which safety risks in which fatigue is involved can be used	Yes	No	N/A	There may be opportunity to streamline this provision	Keep	There may be opportunity to streamline this provision
307	Driver must notify regulator if written work diary filled up etc.	Driver	370	377	This provision requires that a driver where their work diary is filled up to notify the regulator. This creates a record of where drivers have change work diaries	The use of a work diary in a method in which is complete in order to allow a driver to manage their fatigue and compliance and enforcement to be achieved	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	Yes - in the event that fatigue is not controlled a crash could occur leading to severe consequences	No	No	No	No	Although the H/NLR takes fatigue very seriously, this offence does not really deter any behaviour that is not covered by the other offences within the chapter. There is also not a lot of value operationally that is obtained by this offence	The offence's penalty is not equivalent to the seriousness it poses	The penalty is consistent with other offences within the H/NLR	N/A	N/A	N/A	Yes	N/A	N/A	This offence is not often used and does not provide a lot of value for the H/NLR. Consideration should be given to whether it should be removed.	Revise	
307.1	Driver who is record keeper must notify regulator if electronic work diary filled up etc.	Driver	370	377	This offence requires drivers where their EWD is not working or filled up to notify the regulator	The use of a work diary in a method in which is complete in order to allow a driver to manage their fatigue and compliance and enforcement to be achieved	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	Yes - in the event that fatigue is not controlled a crash could occur leading to severe consequences	No	No	No	No	A lot of value can be derived from this offence, however anecdotally we know that a lot of drivers are not aware of this requirement and accordingly are not fulfilling the requirement	The offence's penalty is not equivalent to the seriousness it poses	The penalty is consistent with other offences within the H/NLR	N/A	N/A	N/A	Yes	Yes - because this offence allows AD to stack offences on top of each other for a lot of the same offending	N/A	Revise		
307.2	Driver who is record keeper must notify regulator if electronic work diary filled up etc.	Driver	370	377	This offence requires a driver, within a required period must ensure that the EWD is examined and brought to working order	The use of a work diary in a method in which is complete in order to allow a driver to manage their fatigue and compliance and enforcement to be achieved	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	Yes - in the event that fatigue is not controlled a crash could occur leading to severe consequences	No	No	No	No	This provision is confusing and it is not clear as what the purpose of this and whether the driver is the correct party in which to do this.	The penalty is very serious and does not align with the requirement given its confusing nature	The penalty is consistent with other offences within the H/NLR	N/A	N/A	N/A	Yes	This offence is super confusing and it is not clear as the requirements of the driver	Consideration of duplication of the record keeper requirement under section 311 to notify the regulator	Revise	This offence is confusing and could be written more clearly. It also duplicates the notification requirements on record keepers for EWDs in 311.	
308	What record keeper must do if lost or stolen written work diary filled up etc.	Driver	370	377	This offence requires that where a work diary is lost or stolen and then is found, that all the remaining pages are cancelled, the regulator notified and that the work diary is given to the regulator	This ensures that drivers are maintaining records for work and rest and those records are managed in fashion that they are true and correct	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	Yes - in the event that fatigue is not controlled a crash could occur leading to severe consequences	No	No	No	No	This provisions has been regulated for a long time. Anecdotally, the H/NLR reviews about 1 diary every couple of months, it is not well understood or well done. It does not stop drivers losing their diaries or controlling the records	The penalty is large in comparison to the seriousness and the value that it creates for the H/NLR	The penalty is consistent with other offences within the H/NLR for returning records back to the H/NLR	N/A	N/A	N/A	Yes	No	N/A	Without a centralised database of work diaries, the H/NLR cannot determine whether a driver has multiple work diaries. As a result, this provision, while an important provision to ensure drivers cannot gain benefits from lying about a lost or stolen work diary, has no deterrent value as present drivers intending to deceive the regulator can still do so. Consideration should be given to the removal of this provision.	Revise	
308.1	Driver must notify regulator if electronic work diary filled up etc.	Driver	370	377	In the event that a drivers EWD has become filled up or is not working in the correct order in conjunction to notifying the H/NLR they must notify their record keeper	This ensures that drivers are maintaining records for work and rest and those records are managed in fashion that they are true and correct	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	Yes - in the event that fatigue is not controlled a crash could occur leading to severe consequences	No	No	No	No	This provisions has been regulated for some time. It provides a prescriptive element that persons are notified that an EWD is not working. Accordingly, it provides an effective deterrent value from not running a work diary in the EWD is not working	The penalty is large in comparison to the seriousness	The penalty is consistent with other offences within the H/NLR	N/A	N/A	N/A	Yes	Yes	N/A	Keep		
309	Intelligent access reporting entity must notify record keeper if approved electronic recording system malfunctioning	Intelligent Access Reporting Entity	750	758	In the event that a drivers LAP also functions as an EWD and has become filled up or is not working in the correct order in conjunction to notifying the H/NLR they must notify their record keeper	This ensures that drivers are maintaining records for work and rest and those records are managed in fashion that they are true and correct	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	Yes - in the event that fatigue is not controlled a crash could occur leading to severe consequences	No	No	No	No	This provisions has been regulated for some time. It provides a prescriptive element that persons are notified that an EWD is not working. Accordingly, it provides an effective deterrent value from not running a work diary in the EWD is not working	The penalty is large in comparison to the seriousness	The penalty is consistent with other offences within the H/NLR	N/A	N/A	N/A	Yes	Yes	N/A	Keep		
310	What record keeper must do if electronic work diary filled up	Record Keeper	750		This offence ensures that where a record keeper is notified of the an EWD being filled up or not working, it requires the record keeper to make sure that the EWD begins working again, ensure data integrity and notify the regulator	This ensures that drivers are maintaining records for work and rest and those records are managed in fashion that they are true and correct	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	Yes - in the event that fatigue is not controlled a crash could occur leading to severe consequences	No	No	No	No	This provisions has been regulated for some time. It provides a prescriptive element that persons are notified that an EWD is not working. Accordingly, it provides an effective deterrent value from not running a work diary in the EWD is not working	The penalty is large in comparison to the seriousness	The penalty is consistent with other offences within the H/NLR	N/A	N/A	N/A	Yes	Yes	Duplication of notifying requirements with driver also being required to notify the regulator	Revise	Duplication of notification requirements. Consideration of who needs to ensure that and EWD is returned to working order	
311	What record keeper must do if electronic work diary destroyed, lost or stolen	Record Keeper	750		As soon as reasonably practicable the record keeper after becoming aware of the matter of have reason to suspect the matter must inform the driver the EWD has been destroyed/lost or stolen, given the driver any information that was lost, stolen or destroyed	This ensures that drivers are maintaining records for work and rest and those records are managed in fashion that they are true and correct	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	Yes - in the event that fatigue is not controlled a crash could occur leading to severe consequences	No	No	No	No	There is not a lot of enforcement on this as it is most likely difficult to prove, however this offence is most likely effective given its prescriptive nature	The fine is significant and it is not aligned well with the seriousness of the offence	The penalty is consistent with other offences within the H/NLR	N/A	N/A	N/A	Yes	Yes	N/A	Keep		
312	What record keeper must do if electronic work diary destroyed, lost or stolen	Record Keeper	750	758	The record keeper must notify the regulator within 2 business days if the EWD has been destroyed, lost or stolen, unless they have a reasonable excuse	This ensures that drivers are maintaining records for work and rest and those records are managed in fashion that they are true and correct	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	Yes - in the event that fatigue is not controlled a crash could occur leading to severe consequences	No	No	No	No	We understand anecdotally that notification does not often come from the record keeper rather it comes from the provider. This is probably not an effective deterrent	The fine is significant and it is not aligned well with the seriousness of the offence	The penalty is consistent with other offences within the H/NLR	N/A	N/A	N/A	Yes	Yes	Duplication of notifying requirements with driver also being required to notify the regulator	Revise	Duplication of notification requirements.	
313	What record keeper must do if electronic work diary not in working order or malfunctioning	Record Keeper	750		The record keeper must become aware that an ewd is not in working order or that malfunctioning must notify the driver	This ensures that drivers are maintaining records for work and rest and those records are managed in fashion that they are true and correct	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	Yes - in the event that fatigue is not controlled a crash could occur leading to severe consequences	No	No	No	No	Although there is relatively low enforcement its provision provides a valuable deterrent as it creates a prescriptive element	The fine is significant and it is not aligned well with the seriousness of the offence	The penalty is consistent with other offences within the H/NLR	N/A	N/A	N/A	Yes	Yes	N/A	Keep		
314	What record keeper must do if electronic work diary not in working order or malfunctioning	Record Keeper	750		The record keeper must after becoming aware of a malfunction must direct the driver to use supplementary records, give the driver a working EWD, bring the EWD to working order and notify the regulator	This ensures that drivers are maintaining records for work and rest and those records are managed in fashion that they are true and correct	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	Yes - in the event that fatigue is not controlled a crash could occur leading to severe consequences	No	No	No	No	Although there is relatively low enforcement its provision provides a valuable deterrent as it creates a prescriptive element	The fine is significant and it is not aligned well with the seriousness of the offence	The penalty is consistent with other offences within the H/NLR	N/A	N/A	N/A	Yes	Yes	Duplication of notifying requirements with driver also being required to notify the regulator	Revise	Duplication of notification requirements.	

16423	How electronic work diary must be used	Driver	3770		The driver that uses an EWD must use that EWD in a way that complies with any conditions under the law and in accordance with the manufacturers specification	This ensures that drivers are maintaining records for work and rest and those records are managed in fashion that they are true and correct	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	No	No	Yes	No	Although there is relatively low enforcement this provision provides a valuable deterrent as it creates a prescriptive element	The fine is significant and aligns with the seriousness of fatigue within the legislative scheme	The penalty is consistent with other offences within the HVNL	N/A	N/A	N/A	Yes	No	Yes - encourages the use of technology to regulate	N/A	Keep		
16423	How electronic work diary must be used	Record Keeper	7500		The drivers record keeper must ensure that the driver that uses an EWD must use that EWD in a way that complies with any conditions under the law and in accordance with the manufacturers specification	This ensures that drivers are maintaining records for work and rest and those records are managed in fashion that they are true and correct	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	No	No	Yes	No	Although there is relatively low enforcement this provision provides a valuable deterrent as it creates a prescriptive element	The fine is significant and aligns with the seriousness of fatigue within the legislative scheme	The penalty is consistent with other offences within the HVNL	N/A	N/A	N/A	Yes	No	Yes - encourages the use of technology to regulate	N/A	Keep		
16423	Ensuring driver complies with clause 1-4	Responsible Party	7500		Each responsible party the employer (or the driver if self-employed), the operator, and the scheduler must ensure that the driver complies with the work diary requirements	This ensures that drivers are maintaining records for work and rest and those records are managed in fashion that they are true and correct	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	No	No	Yes	No	This is an extended liability provision for work diary requirements. There is no enforcement on this at all in comparison to the numbers of offences that have been handed to drivers. Is this provision doing anything, does it even provide any deterrent factor?	The fine is significant and aligns with the seriousness of fatigue within the legislative scheme	The penalty is consistent with other offences within the HVNL	N/A	N/A	N/A	Yes	No	although there is extended liability there is serious concern that the provisions are structured in a way that more regulatory focus is placed on the driver for work diaries	Yes - encourages the use of technology to regulate	N/A	Revise	Low deterrent value and prosecution data suggests this provision is not enforced. What should be done about it?
16423	Records record keeper must have	Record Keeper	7500	750	A record keeper is required to keep various information in relation to the driver	This ensures that the record keeper is keeping records to verify that the driver is complying with their fatigue obligations	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	No	No	Yes	No	Although there is low enforcement, this is a prescriptive offence that provides clear requirements about what is to be done. I believe that it is places a good deterrent effect	The fine is significant and aligns with the seriousness of fatigue within the legislative scheme	The penalty is consistent with other offences within the HVNL	N/A	N/A	N/A	Yes	No	Yes. Record keeping obligations remain necessary to modern regulation	N/A	Keep		
16423	General requirements about driver recording and giving information to record keeper	Driver	3770	377	The driver must unless they have a reasonable excuse must record the relevant information about work and rest in their work diary within 24 hours of finishing work and give that information 21 days after the relevant day give that to the record keeper	This ensures that the record keeper is keeping records to verify that the driver is complying with their fatigue obligations	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	No	No	Yes	No	Although there is low enforcement. This is a prescriptive offence that provides clear requirements about what is to be done. I believe that it is places a good deterrent effect	The fine is significant and aligns with the seriousness of fatigue within the legislative scheme	The penalty is consistent with other offences within the HVNL	N/A	N/A	N/A	Yes	No	This may create a perverse incentive where they have failed on multiple occasions to fill it in at the end of the day that it is cheaper to not have a book	Yes. Record keeping obligations remain necessary to modern regulation	N/A	Keep	1923 (requirement to carry a work diary) has a penalty of \$6000. This is too low as it incentivises not carrying a work diary in cases where a recordkeeper has made multiple errors.
16423	General requirements about driver recording and giving information to record keeper	Record Keeper	3770		Each responsible party, that is the driver if self-employed, or the employer, the operator and the scheduler must ensure that the driver complies with the work diary requirements	This ensures that drivers are maintaining records for work and rest and those records are managed in fashion that they are true and correct	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	No	No	Yes	No	This is an extended liability provision for work diary requirements. There is no enforcement on this at all in comparison to the amount of offences that have been handed to drivers. This begs the question as to whether this provision is doing anything and providing any deterrent factor	The fine is significant and aligns with the seriousness of fatigue within the legislative scheme	The penalty is consistent with other offences within the HVNL	N/A	N/A	N/A	Yes	No	Although there is extended liability, there is serious concern that the provisions are structured in a way that more regulatory focus is placed on the driver for work diaries	Yes. Record keeping obligations remain necessary to modern regulation	N/A	Revise	Low deterrent value and doesn't seem to be operating in good fashion
16423	Records record keeper must have	Record Keeper	7500	750	A record keeper is required to keep various information in relation to the driver	This ensures that drivers are maintaining records for work and rest and those records are managed in fashion that they are true and correct	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	No	No	Yes	No	Although there is low enforcement. This is a prescriptive offence that provides clear requirements about what is to be done. I believe that it is places a good deterrent effect	The fine is significant and aligns with the seriousness of fatigue within the legislative scheme	The penalty is consistent with other offences within the HVNL	N/A	N/A	N/A	Yes	No	Yes. Record keeping obligations remain necessary to modern regulation	N/A	Keep		
16423	Records record keeper must have	Record Keeper	7500	750	A record keeper is required to keep various information in relation to the driver	This ensures that drivers are maintaining records for work and rest and those records are managed in fashion that they are true and correct	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	No	No	Yes	No	Although there is low enforcement. This is a prescriptive offence that provides clear requirements about what is to be done. I believe that it is places a good deterrent effect	The fine is significant and aligns with the seriousness of fatigue within the legislative scheme	The penalty is consistent with other offences within the HVNL	N/A	N/A	N/A	Yes	No	Yes. Record keeping obligations remain necessary to modern regulation	N/A	Keep		
16423	General requirements about driver giving information to record keeper	Driver	3770	377	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 as a supplementary record recording the information for that day, to each person who was a record keeper for the driver on that day, unless the driver has a reasonable excuse.	This ensures that drivers are maintaining records for work and rest and those records are managed in fashion that they are true and correct	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	No	No	Yes	No	This provision has been regulated for some time and has been effective in causing a difference in order to make sure that	The fine is significant and aligns with the seriousness of fatigue within the legislative scheme	The penalty is consistent with other offences within the HVNL	N/A	N/A	N/A	Yes	No				Keep	
16423	General requirements about driver giving information to record keeper	Record Keeper	3770		The record keeper must ensure that the driver of a fatigue regulated heavy vehicle must ensure that the drivers work diary and any supplementary records within 21 days	This ensures that drivers are maintaining records for work and rest and those records are managed in fashion that they are true and correct	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	No	No	Yes	No	This provisions has been regulated for a long time, it provides a prescriptive base as a deterrent in order to ensure that records are shared. Given that it has not been enforced much I believe that it is still fit for purpose	The fine is significant and aligns with the seriousness of fatigue within the legislative scheme	The penalty is consistent with other offences within the HVNL	N/A	N/A	N/A	Yes	No				Keep	
16423	Requirements about driver giving information to record keeper if driver changes record keeper	Driver	3770	377	Where a driver obtains a new record keeper the driver must ensure that the work diary records are shared with the record keeper within 21 days	This ensures that drivers are maintaining records for work and rest and those records are managed in fashion that they are true and correct	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	No	No	Yes	No	This provisions has been regulated for a long time, it provides a prescriptive base as a deterrent in order to ensure that records are shared. Given that it has not been enforced much I believe that it is still fit for purpose	The fine is significant and aligns with the seriousness of fatigue within the legislative scheme	The penalty is consistent with other offences within the HVNL	N/A	N/A	N/A	Yes	No				Keep	
16423	Requirements about driver giving information to record keeper if driver changes record keeper	Record Keeper	3770		Where a driver obtains a new record keeper the driver must ensure that the work diary records are shared with the record keeper within 21 days, this date also placed on the record keeper here	This ensures that drivers are maintaining records for work and rest and those records are managed in fashion that they are true and correct	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	No	No	Yes	No	This provisions has been regulated for a long time, it provides a prescriptive base as a deterrent in order to ensure that records are shared. Given that it has not been enforced much I believe that it is still fit for purpose	The fine is significant and aligns with the seriousness of fatigue within the legislative scheme	The penalty is consistent with other offences within the HVNL	N/A	N/A	N/A	Yes	No				Keep	
16423	Record keeper must give information from electronic work diary	Record Keeper	3770	377	If a driver stops using EWD, the drivers record keeper must immediately give the driver the information contained in the EWD	This ensures that drivers are maintaining records for work and rest and those records are managed in fashion that they are true and correct	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	No	No	Yes	No	This provisions has been regulated for a long time, it provides a prescriptive base as a deterrent in order to ensure that records are shared. Given that it has not been enforced much I believe that it is still fit for purpose	The fine is significant and aligns with the seriousness of fatigue within the legislative scheme	The penalty is consistent with other offences within the HVNL	N/A	N/A	N/A	Yes	No				Keep	
16423	Record keeper must give record to driver if requested	Record Keeper	1000	100	Where a driver requests records from an EWD, the drivers record keeper must give them a copy of the records	This ensures that drivers are maintaining records for work and rest and those records are managed in fashion that they are true and correct	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	No	No	Yes	No	This provisions has been regulated for a long time, it provides a prescriptive base as a deterrent in order to ensure that records are shared. Given that it has not been enforced much I believe that it is still fit for purpose	The fine is significant and aligns with the seriousness of fatigue within the legislative scheme	The penalty is consistent with other offences within the HVNL	N/A	N/A	N/A	Yes	No				Keep	
16423	False or misleading entries	Person	12000		A person must not records something in a work records that the person knows or ought to reasonably know is false or misleading	This ensures that drivers are maintaining records for work and rest and those records are managed in fashion that they are true and correct	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	No	No	Yes	No	Anecdotally, we know that there work diary is often said to be the book of lies. Given this offence in its current state may not provide the deterrent required for persons to stop making false or misleading entries into their work diary	The fine is significant and aligns with the seriousness of fatigue within the legislative scheme, however more seriousness in terms of penalty could be placed upon the offence in order to signal that true and correct records is something that should be focused on	The penalty is consistent with other offences within the HVNL	N/A	N/A	N/A	Yes	No				Revise	Should revise the seriousness of the offence
16423	Keeping 1 work diary simultaneously prohibited	Driver	12000		The driver of a fatigue regulated heavy vehicle must not have in the drivers possession more than 1 written work diary in which information can be recorded on a daily sheet	This ensures that drivers are maintaining records for work and rest and those records are managed in fashion that they are true and correct	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	No	No	Yes	No	Given the low level of enforcement and that we understand that generally drivers are pretty good at running one diary at a time	The fine is significant and aligns with the seriousness of fatigue within the legislative scheme	The penalty is consistent with other offences within the HVNL	N/A	N/A	N/A	Yes	No				Keep	
16423	Keeping 2 work diaries simultaneously prohibited	Driver	12000		A driver of a fatigue regulated heavy vehicle must not record entries into two EWD in the same period	This ensures that drivers are maintaining records for work and rest and those records are managed in fashion that they are true and correct	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	No	No	Yes	No	Given the low level of enforcement and that we understand that generally drivers are pretty good at running one diary at a time	The fine is significant and aligns with the seriousness of fatigue within the legislative scheme	The penalty is consistent with other offences within the HVNL	N/A	N/A	N/A	Yes	No				Keep	
16423	Retention of purloined work records etc prohibited	Driver or Record Keeper	12000		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 work record if the driver or record keeper knows, or ought reasonably to know, that it is not a work record	This ensures that drivers are maintaining records for work and rest and those records are managed in fashion that they are true and correct	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	No	No	Yes	No	The level of understanding about when to run a work diary and what a work diary is pretty good within industry. Accordingly this offence is providing an adequate deterrent given the low level of offending and that the offending is often caught by not running a work diary	The fine is significant and aligns with the seriousness of fatigue within the legislative scheme	The penalty is consistent with other offences within the HVNL	N/A	N/A	N/A	Yes	No				Revise	This offence could be streamlined
16423	False representation about work records prohibited	Person	12000		A person must not falsely represent that a work record was made by a person. This is to ensure that persons are saying that a record was made by another person in order to avoid accountability	This ensures that drivers are maintaining records for work and rest and those records are managed in fashion that they are true and correct	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	No	No	Yes	No	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	The fine is significant and aligns with the seriousness of fatigue within the legislative scheme	The penalty is consistent with other offences within the HVNL	N/A	N/A	N/A	Yes	No				Revise	Streamlining the number of false and misleading offences could be considered

129	Defacing or changing work records prohibited	Person	1200		A person must not deface or change a work record that the person knows, or ought reasonably to know, is correct.	This ensures that drivers are maintaining records for work and rest and those records are managed in fashion that they are true and correct.	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	No	No	Yes	No	There is little to no enforcement on this offence. Consideration needs to be given as to whether it is providing any value, and that it may conflict with other provisions about following instructions, not making false representations etc.	The fine is significant but seems heavy for this sort of offence	The penalty is consistent with other offences within the HVNL	N/A	N/A	N/A	Yes	No	N/A	Consideration could be given to whether this is necessary to have this many false and misleading offences for work diaries	Revise	Streamlining the number of false and misleading offences could be considered	
130	Making entries in someone else's work diary	Person	1200		A person must not make a record in another person's work diary	This ensures that drivers are maintaining records for work and rest and those records are managed in fashion that they are true and correct.	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	No	Yes	No	Consideration needs to be given as to what deterrent value this provides. It also seems unnecessary that records can't be destroyed after the period that they are required for	The fine is significant and aligns with the seriousness of fatigue within the legislative scheme	The penalty is consistent with other offences within the HVNL	N/A	N/A	N/A	Yes	No	N/A	Consideration could be given to whether this is necessary to have this many false and misleading offences for work diaries	Revise	We could consider whether this offence is needed given the amount of exemptions we write and the other offences that surround this offence such as false and misleading records		
131	Instruction of particular work records prohibited	Person	1200		If a work record is required under (or by a condition 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.	This ensures that drivers are maintaining records for work and rest and those records are managed in fashion that they are true and correct.	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	No	No	Yes	no	Consideration needs to be given as to what deterrent value this provides. It also seems unnecessary that records can't be destroyed after the period that they are required for	The fine is significant and aligns with the seriousness of fatigue within the legislative scheme - however given the low volume of enforcement, there is low value in this	The penalty is consistent with other offences within the HVNL	N/A	N/A	N/A	Yes	No	N/A	Most other record keeping offences within safety law only require things to be held for a certain period of time and then can be destroyed. Consideration should be considered to whether this is required	Revise		
132	Offence to remove pages from written work diary	Person	1200		A person must not remove pages from a written work diary	This ensures that drivers are maintaining records for work and rest and those records are managed in fashion that they are true and correct.	Yes - this element helps achieve an aim of the legislation to control fatigue and thus the safe operations of heavy vehicles	No	No	Yes	no	This offence has good deterrence there is no history of enforcement.	The fine is significant and aligns with the seriousness of fatigue within the legislative scheme	The penalty is consistent with other offences within the HVNL	N/A	N/A	N/A	Yes	No	N/A	Consideration needs to be given to whether this offence is necessary to have this many false and misleading offences for work diaries	Revise		
133	Person must not tamper with approved electronic recording system	Person	1200		A person must not tamper with an approved electronic recording system	This ensures that any electric recording system that is fitted to the heavy vehicles is working in a fashion that is providing its said benefits	Yes - this aims to ensure that any benefits of electronic recording systems that improve access or safety are working is within the legislative scheme	No	No	Yes	No	this offence may be hard to prove but provides a deterrent effect that is valuable	The fine is significant and aligns with the seriousness of fatigue within the legislative scheme	The penalty is consistent with other offences within the HVNL	N/A	N/A	N/A	no	no	N/A		Keep		
134	Person using approved electronic recording system must permit access to it	Person	1200		A person must not permit another person to tamper with an approved electronic recording system	This ensures that any electric recording system that is fitted to the heavy vehicles is working in a fashion that is providing its said benefits	Yes - this aims to ensure that any benefits of electronic recording systems that improve access or safety are working is within the legislative scheme	No	No	Yes	No	this offence may be hard to prove but provides a deterrent effect that is valuable	The fine is significant and aligns with the seriousness of fatigue within the legislative scheme	The penalty is consistent with other offences within the HVNL	N/A	N/A	N/A	no	no	N/A		Keep		
135	Reporting tampering or suspected tampering with electronic work diary	Record keeper	7500		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	This ensures that any electric recording system that is fitted to the heavy vehicles is working in a fashion that is providing its said benefits	Yes - this aims to ensure that any benefits of electronic recording systems that improve access or safety are working is within the legislative scheme	No	Yes	No	no	this offence may be hard to prove but provides a deterrent effect that is valuable	The fine is significant and aligns with the seriousness of fatigue within the legislative scheme	The penalty is consistent with other offences within the HVNL	N/A	N/A	N/A	Yes	No	N/A	We need to consider the notification requirements around EWDs, tampering could be included within the other notification requirements	Revise	Notification requirements	
137	Intelligent access reporting with approved electronic recording system	Intelligent access program reporting driver	1200		An intelligent access program reporting system must not permit another person to tamper with the approved recording system	This ensures that any electric recording system that is fitted to the heavy vehicles is working in a fashion that is providing its said benefits	Yes - this aims to ensure that any benefits of electronic recording systems that improve access or safety are working is within the legislative scheme	No	No	Yes	No	There is very low enforcement of this offence. It may be very hard to find out that this has occurred, but it provides an important prescriptive offences that there should be no tampering with an electronic recording system	The fine is significant and aligns with the seriousness of fatigue within the legislative scheme	The penalty is consistent with other offences within the HVNL	N/A	N/A	N/A	no	no	N/A		Keep		
141	Period for which, and way in which, records must be kept	Record keeper	7500	750	The record keeper of the driver of a fatigue regulated vehicle must keep the records for 8 years	Ensuring that work records are managed in a way that ensures compliance and enforcement and that fatigue is being managed	Yes - this provision ensures the safe operation of heavy vehicles by managing fatigue of heavy vehicle drivers	No	No	Yes	No	There is very low enforcement of this offence. It may be very hard to find out that this has occurred, but it provides an important prescriptive offences that there should be enforcement could take place	The fine is significant and aligns with the seriousness of fatigue within the legislative scheme	The penalty is consistent with other offences within the HVNL	N/A	N/A	N/A	no	no	N/A	Consideration needs to be given to the duplication between this offence and the destroying of records offence	Revise	Duplication of offences in section 331, though narrower because this provision only covers subdivisions 3 and 4, whereas 331 covers the whole Part, from 1289 to 1399). There may be value in retaining 341(1), (4), and (5) in a shortened format (and possibly (8). Drivers should not be required to carry all 3 years of work diary information with them at all times, so should have a longer period in which to comply with a notice to produce. The requirement should also remain that records be kept in a legible and accessible format. If that parties retain diaries for a record keeper, at least the record keeper should remain liable. Otherwise drivers are incentivised to organise third party storage for work diaries in such a way so as to make those diaries illegible.	
142	Period for which, and way in which, records must be kept	Record keeper	7500	750	The record keeper of the driver of a fatigue regulated vehicle must keep the records for 8 years	Ensuring that work records are managed in a way that ensures compliance and enforcement and that fatigue is being managed	Yes - this provision ensures the safe operation of heavy vehicles by managing fatigue of heavy vehicle drivers	No	No	Yes	No	There is very low enforcement of this offence. It may be very hard to find out that this has occurred, but it provides an important prescriptive offences that there should be enforcement could take place	The fine is significant and aligns with the seriousness of fatigue within the legislative scheme	The penalty is consistent with other offences within the HVNL	N/A	N/A	N/A	Yes	No	N/A	Consideration needs to be given to the duplication between this offence and the destroying of records offence	Revise	Duplication of offence in section 331.	
143	Period for which, and way in which, records must be kept	Record keeper	3770	377	A record of the driver's record location must be kept in a location that is easily accessible	Ensuring that work records are managed in a way that ensures compliance and enforcement and that fatigue is being managed	Yes - this provision ensures the safe operation of heavy vehicles by managing fatigue of heavy vehicle drivers	No	No	Yes	No	There is very low enforcement of this offence. It may be very hard to find out that this has occurred, but it provides an important prescriptive offences that there should be records kept for fatigue for the period in which enforcement could take place	The fine is significant and aligns with the seriousness of fatigue within the legislative scheme	The penalty is consistent with other offences within the HVNL	N/A	N/A	N/A	Yes	No	N/A	These two both seem very similar (one is for the record keeper when they are not also the driver, one is for the record keeper when they are the driver), but both discuss the location of records. One of the offences talks about a 21-day period.	Revise	This subsection should be retained in a revised format and in 1331	
144	Period for which, and way in which, records must be kept	Driver (before the driver is or has been record keeper)	3770	377	If the driver is their own record keeper, a record of the driver's record location must be kept in a location that is easily accessible for a period of 21 days	Ensuring that work records are managed in a way that ensures compliance and enforcement and that fatigue is being managed	Yes - this provision ensures the safe operation of heavy vehicles by managing fatigue of heavy vehicle drivers	No	No	Yes	No	There is very low enforcement of this offence. It may be very hard to find out that this has occurred, but it provides an important prescriptive offences that there should be records kept for fatigue for the period in which enforcement could take place	The fine is significant and aligns with the seriousness of fatigue within the legislative scheme	The penalty is consistent with other offences within the HVNL	N/A	N/A	N/A	Yes	No	N/A	Consideration needs to be given to the duplication between this offence and the destroying of records offence	Revise	This subsection should be retained in a revised format and in 1331.	
145	Period for which, and way in which, records must be kept	Record keeper	7500	750	The record keeper must unless the record keeper has a reasonable excuse, keep the records in a way that ensures that it is reasonable excuse, keep the record or copy in a way that ensure it is readable and reasonably capable of being understood and capable of being used as evidence	Ensuring that work records are managed in a way that ensures compliance and enforcement and that fatigue is being managed	Yes - this provision ensures the safe operation of heavy vehicles by managing fatigue of heavy vehicle drivers	No	No	Yes	No	There is very low enforcement of this offence. It may be very hard to find out that this has occurred, but it provides an important prescriptive offences that there should be enforcement could take place	The fine is significant and aligns with the seriousness of fatigue within the legislative scheme	The penalty is consistent with other offences within the HVNL	N/A	N/A	N/A	Yes	No	N/A		Keep		
146	Period for which, and way in which, records must be kept	Record keeper	1000	100	If the driver uses an EWD, the drivers record keeper must maintain a record of the information contained in the EWD in a way that meets the conditions of the EWD approval and the manufacturer's instructions	Ensuring that work records are managed in a way that ensures compliance and enforcement and that fatigue is being managed	Yes - this provision ensures the safe operation of heavy vehicles by managing fatigue of heavy vehicle drivers	No	No	Yes	No	There is very low enforcement of this offence. It may be very hard to find out that this has occurred, but it provides an important prescriptive offences that there should be enforcement could take place	Consideration needs to be given as to why the penalty is so much lower than other penalties for not keeping the records in the a manner that can be used as evidence and readable	Consideration needs to be given as to why the penalty is so much lower than other penalties for not keeping the records in the a manner that can be used as evidence and readable	N/A	N/A	N/A	Yes	Yes - because there is in equity between two forms of work diary	No	No	Penalty level should be in line with other record keeping penalties.	Revise	
147	Prohibition on using electronic work diary if it is not, and is not a part of, an approved electronic recording system	Person	1200		A person must not use 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	This provision ensures that work records that manage fatigue are being recorded in a way that allows for compliance and enforcement and allows for drivers to manage their fatigue	Yes - this provision ensures the safe operation of heavy vehicles by managing fatigue of heavy vehicle drivers	No	No	Yes	No	The offence is a prescriptive offence to ensure that a person only uses an approved EWD. Given its nature and the nature of the EWD market is most likely a strong deterrent	The penalty is equivalent to the seriousness identified within the HVNL for record keeping offences	The penalty is consistent with other penalties within the HVNL	N/A	N/A	N/A	Yes	No	N/A		Keep		
154(3)	Requirements if approval amended	Holder of an electronic recording system approval	7500	750	Where the regulator adds conditions or amends the approval of the EWD, the EWD provider (holder) must inform the EWD users of the change in approval	This provision ensures that work records that manage fatigue are being recorded in a way that allows for compliance and enforcement and allows for drivers to manage their fatigue	Yes - this provision ensures the safe operation of heavy vehicles by managing fatigue of heavy vehicle drivers	No	No	Yes	No	The provision is prescriptive, however the NHVR has never issued an amended approval so the deterrence is untested	The penalty seems very excessive for a notification provision and does not line up with seriousness of other fatigue related offences	The penalty does not seem to be very consistent with other fatigue related offences	N/A	N/A	N/A	Yes	No	N/A	N/A	Keep	HB - The penalty may seem excessive, but if it has bearing on the functionality of the EWD and the ability of the driver to meet their fatigue requirements, it could pose a safety risk. Agree with Donna's comments	
154(4)	Requirements if approval amended	Holder of an electronic recording system approval	7500	750	Where the regulator adds conditions or amends the approval of the EWD, the EWD provider (holder) must inform the EWD users of the change in approval	This provision ensures that work records that manage fatigue are being recorded in a way that allows for compliance and enforcement and allows for drivers to manage their fatigue	Yes - this provision ensures the safe operation of heavy vehicles by managing fatigue of heavy vehicle drivers	No	No	Yes	No	The provision is prescriptive, however the NHVR has never issued an amended approval so the deterrence is untested	The penalty seems very excessive for a notification provision and does not line up with seriousness of other fatigue related offences	The penalty does not seem to be very consistent with other fatigue related offences	N/A	N/A	N/A	Yes	No	N/A	N/A	Keep	HB - The penalty may seem excessive, but if it has bearing on the functionality of the EWD and the ability of the driver to meet their fatigue requirements, it could pose a safety risk. Agree with Donna's comments	

35523	Requirements if approval cancelled	Holder of an electronic recording system approval	7560	756	In the event that an EWD approval is 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 approved electronic work diary.	This provision ensures that work records that manage fatigue are being recorded in a way that allows for compliance and enforcement and allows for drivers to manage their fatigue.	Yes - this provision ensures the safe operation of heavy vehicles by managing fatigue of heavy vehicle drivers	No	No	No	Yes	No	The provision is prescriptive, however the NHVR has never issued a cancellation or the deterring is unclear - however I imagine that it would provide some strong deterrence.	The penalty is equivalent to the seriousness identified within the HVNL for record keeping offences	The penalty is consistent with other penalties within the HVNL	N/A	N/A	N/A	Yes	No	N/A	N/A	Keep
35625	Requirements if approval cancelled	Holder of an electronic recording system approval	7560	756	Where the regulator has cancelled an EWD providers approval, the EWD provider must no longer an approved EWD	This provision ensures that work records that manage fatigue are being recorded in a way that allows for compliance and enforcement and allows for drivers to manage their fatigue.	Yes - this provision ensures the safe operation of heavy vehicles by managing fatigue of heavy vehicle drivers	No	No	No	Yes	No	The provision is prescriptive, however the NHVR has never issued a cancellation or the deterring is unclear - however I imagine that it would provide some strong deterrence.	The penalty is equivalent to the seriousness identified within the HVNL for record keeping offences	The penalty is consistent with other penalties within the HVNL	N/A	N/A	N/A	Yes	No	N/A	N/A	Keep
35588	Requirements if approval cancelled	Holder of an electronic recording system approval	7560	756	Where the regulator has cancelled an EWD providers approval, the EWD provider must notify its users that it is no longer an approved EWD	This provision ensures that work records that manage fatigue are being recorded in a way that allows for compliance and enforcement and allows for drivers to manage their fatigue.	Yes - this provision ensures the safe operation of heavy vehicles by managing fatigue of heavy vehicle drivers	No	No	No	Yes	No	The provision is prescriptive, however the NHVR has never issued a cancellation or the deterring is unclear - however I imagine that it would provide some strong deterrence.	The penalty is equivalent to the seriousness identified within the HVNL for record keeping offences	The penalty is consistent with other penalties within the HVNL	N/A	N/A	N/A	Yes	No	N/A	N/A	Keep
37423	Return of permit	Person	7560	754	Where a person is issued with a work diary permit, where it has been amended or cancelled it must be returned to the regulator within 7 days.	The provisions ensure that work records that manage fatigue are being recorded in a way that allows for compliance and enforcement	Yes - this provision ensures the safe operation of heavy vehicles by managing fatigue of heavy vehicle drivers	No	No	No	Yes	No	This provision is prescriptive, however it is not used, it also seems very redundant given that permits are electronic.	The penalty is equivalent to the seriousness identified within the HVNL for record keeping offences	The penalty is consistent with other penalties within the HVNL	N/A	N/A	N/A	Yes	No	N/A	N/A	Revise
37463	Replacement of defaced permit	Person	5003		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	The provisions ensure that work records that manage fatigue are being recorded in a way that allows for compliance and enforcement	Yes - this provision ensures the safe operation of heavy vehicles by managing fatigue of heavy vehicle drivers	No	No	No	Yes	No	This provision is prescriptive, however it is not used, it also seems very redundant given that permits are electronic.	The penalty is equivalent to the seriousness identified within the HVNL for record keeping offences	The penalty is consistent with other penalties within the HVNL	N/A	N/A	N/A	Yes	No	N/A	N/A	Revise
375	Controlling conditions of work diary exemption	Person	7560	754	A person must not contravene a condition of a work diary exemption.	The provisions ensure that work records that manage fatigue are being recorded in a way that allows for compliance and enforcement	Yes - this provision ensures the safe operation of heavy vehicles by managing fatigue of heavy vehicle drivers	No	No	No	Yes	No	This provision is prescriptive, however it is not used, it also seems to provide an adequate deterrent.	The penalty is equivalent to the seriousness identified within the HVNL for record keeping offences	The penalty is consistent with other penalties within the HVNL	N/A	N/A	N/A	Yes	No	N/A	N/A	Keep
37623	Keeping relevant document with to operating under work diary exemption (permit)	Driver	3770	377	A driver of a fatigue regulated heavy vehicle must carry a copy of the notice	The circumstances surrounding the provision is controlling who can operate on a fatigue notice and making sure that the exemptions are operating correctly	Yes - this provision ensures the safe operation of heavy vehicles by managing fatigue of heavy vehicle drivers	No	No	No	Yes	No	There is only a small number of notices and not a lot of enforcement. The requirement to carry these documents are often referenced when granted. There would be generally pretty good compliance with this offence.	The penalty is equivalent to the seriousness identified within the HVNL for record keeping offences	The penalty is consistent with other penalties within the HVNL	N/A	N/A	N/A	Yes - consideration should be given to whether this is required.	No	N/A	N/A	Revise
37623	Keeping relevant document with to operating under work diary exemption (permit)	Relevant party (Employer, prime contractor, operator)	3770	377	A driver of a fatigue regulated heavy vehicle must carry a copy of the notice - this is focused on the operator or relevant party	The circumstances surrounding the provision is controlling who can operate on a fatigue notice and making sure that the exemptions are operating correctly	Yes - this provision ensures the safe operation of heavy vehicles by managing fatigue of heavy vehicle drivers	No	No	No	Yes	No	There is only a small number of notices and not a lot of enforcement. The requirement to carry these documents are often referenced when granted. There would be generally pretty good compliance with this offence.	The penalty is equivalent to the seriousness identified within the HVNL for record keeping offences	The penalty is consistent with other penalties within the HVNL	N/A	N/A	N/A	Yes - consideration should be given to whether this is required.	No	N/A	N/A	Revise
377	Keeping copy of permit with operating under work diary exemption (permit)	Driver	3770	377	A driver of a fatigue regulated heavy vehicle must carry a copy of the permit	The circumstances surrounding the provision is controlling who can operate on a fatigue notice and making sure that the exemptions are operating correctly	Yes - this provision ensures the safe operation of heavy vehicles by managing fatigue of heavy vehicle drivers	No	No	No	Yes	No	There is only a small number of notices and not a lot of enforcement. The requirement to carry these documents are generally pretty good compliance with this offence.	The penalty is equivalent to the seriousness identified within the HVNL for record keeping offences	The penalty is consistent with other penalties within the HVNL	N/A	N/A	N/A	Yes - consideration should be given to whether this is required.	No	N/A	N/A	Revise
38223	Return of permit	Person	7560	754	If a person's fatigue record keeping exemption (permit) is amended or cancelled, the Regulator may, by notice given to the person, require the person to return the permit to the Regulator. 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 that longer period	The provisions ensure that work records that manage fatigue are being recorded in a way that allows for compliance and enforcement	Yes - this provision ensures the safe operation of heavy vehicles by managing fatigue of heavy vehicle drivers	No	No	No	Yes	No	This provision is prescriptive, however it is not used, it also seems very redundant given that permits are electronic.	The penalty is equivalent to the seriousness identified within the HVNL for record keeping offences	The penalty is consistent with other penalties within the HVNL	N/A	N/A	N/A	Yes	No	N/A	N/A	Revise
38223	Replacement of defaced Fat. Permit	Person	5003		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.	The provisions ensure that work records that manage fatigue are being recorded in a way that allows for compliance and enforcement	Yes - this provision ensures the safe operation of heavy vehicles by managing fatigue of heavy vehicle drivers	No	No	No	Yes	No	This provision is prescriptive, however it is not used, it also seems very redundant given that permits are electronic.	The penalty is equivalent to the seriousness identified within the HVNL for record keeping offences	The penalty is consistent with other penalties within the HVNL	N/A	N/A	N/A	Yes	No	N/A	N/A	Revise
385	Controlling condition of fatigue record keeping exemption	Person	7560	754	A person must not contravene a condition of a fatigue record keeping exemption	The provisions ensure that where a condition is imposed by the regulator the person that is exempted follows that condition	Yes - manages operation of exemptions for fatigue record keeping	No	No	No	Yes	No	Although, that there is low enforcement of this offences, there is not a lot of fatigue record keeping exemptions. They are tightly controlled and conditions are clearly imposed. It's a needed offences to ensure the operation of the condition	This is an essential offence to ensure the operation of condition	The penalty is consistent with other penalties within the HVNL, and consistent with condition in similar transport safety law	N/A	N/A	N/A	Yes - however, it is to deal with conditions	No	N/A	N/A	Keep
39623	Owner must maintain odometer	Owner of a heavy vehicle	7560	754	An operator of a regulated heavy vehicle must maintain the odometer in accordance with the national regulations	ensuring the the regulated heavy vehicles are maintained in a way that ensures that they are accurate and the management of purposes	Yes - this controls the use of heavy vehicles and the management of fatigue	No	No	No	Yes	No	There has been slight enforcement on this offence. Without down thorough analysis on the tampering it will be hard to say whether or not it is working.	This is an essential offence to ensure the operation of the fatigue record keeping. It highlights that there must be some form of deterrent to altering odometers in order to to doctor record keeping. The level of the penalty would be a great enough deterrent	The penalty is consistent with other penalties within the HVNL	N/A	N/A	N/A	Yes - however this deals with making sure that elements of the heavy vehicle are working in a fashion that ensures that records are taken in a correct fashion	No	N/A	N/A	Keep
39723	Driver must report malfunctioning odometer	Driver	3770		Where a driver becomes aware or suspects that a odometer is malfunctioning that must notify the owner of the vehicle and the operator	ensuring the the regulated heavy vehicles are maintained in a way that ensures that they are accurate and the management of purposes	Yes - this controls the use of heavy vehicles and the management of fatigue	No	No	No	Yes	No	There has been slight enforcement on this offence. Without down thorough analysis on the tampering it will be hard to say whether or not it is working.	This is an essential offence to ensure the operation of the fatigue record keeping. It highlights that there must be some form of deterrent to altering odometers in order to to doctor record keeping. The level of the penalty would be a great enough deterrent	The penalty is consistent with other penalties within the HVNL	N/A	N/A	N/A	Yes - however this deals with making sure that elements of the heavy vehicle are working in a fashion that ensures that records are taken in a correct fashion	No	N/A	N/A	Keep
39823	What owner must do if odometer malfunctioning	Owner of a heavy vehicle	7560		Where the owner is informed that an odometer is not working correctly, the must take all reasonably practicable steps to bring it to working order	ensuring the the regulated heavy vehicles are maintained in a way that ensures that they are accurate and the management of purposes	Yes - this controls the use of heavy vehicles and the management of fatigue	No	No	No	Yes	No	There has been slight enforcement on this offence. Without down thorough analysis on the tampering it will be hard to say whether or not it is working.	This is an essential offence to ensure the operation of the fatigue record keeping. It highlights that there must be some form of deterrent to altering odometers in order to to doctor record keeping. The level of the penalty would be a great enough deterrent	The penalty is consistent with other penalties within the HVNL	N/A	N/A	N/A	Yes - however this deals with making sure that elements of the heavy vehicle are working in a fashion that ensures that records are taken in a correct fashion	No	N/A	N/A	Keep
39923	What employer or operator must do if odometer malfunctioning	Employer of a driver or operator of a heavy vehicle	7560	754	Where the employer is informed that an odometer is not working correctly, the must take all reasonably practicable steps to bring it to working order	ensuring the the regulated heavy vehicles are maintained in a way that ensures that they are accurate and the management of purposes	Yes - this controls the use of heavy vehicles and the management of fatigue	No	No	No	Yes	No	There has been slight enforcement on this offence. Without down thorough analysis on the tampering it will be hard to say whether or not it is working.	This is an essential offence to ensure the operation of the fatigue record keeping. It highlights that there must be some form of deterrent to altering odometers in order to to doctor record keeping. The level of the penalty would be a great enough deterrent	The penalty is consistent with other penalties within the HVNL	N/A	N/A	N/A	Yes - however this deals with making sure that elements of the heavy vehicle are working in a fashion that ensures that records are taken in a correct fashion	No	N/A	N/A	Keep

40611 Offsetting false or misleading information to intelligent access program service provider	Operator of an IAP vehicle	1400		Providing false or misleading information to an IAP service provider	Ensures that IAP data can be trusted	Yes	No	No	No	Unlikely	Unclear - not an investigative priority and no data on contraventions	The deterrent is significant but difficult to prosecute, and may not ever have been enforced.	It is consistent with false or misleading information in a work diary	N/A	N/A	N/A	Yes	404(1)(b) limits false or misleading to "relevant to the use of the vehicle". Subsection (3) defines this as to include intelligent access program conditions applying to the vehicle. This is strangely narrow and duplicative and may be able to be streamlined.	N/A - It is a necessary offence to ensure operators treat IAP data appropriately	Alternatively, operator obligations could be audited down into Business Rules and Standards or other lower order instruments.	Revise	May be able to be streamlined - this offence is broadly "don't provide false or misleading information to a service provider" yet takes a page and a half.	
40614 Offsetting false or misleading information to intelligent access program service provider	Operator of a heavy vehicle	1400		Providing false or misleading information to an IAP service provider	Ensures that IAP data can be trusted	Yes	No	No	No	Unlikely	Unclear - not an investigative priority and no data on contraventions	The deterrent is significant but difficult to prosecute, and may not ever have been enforced.	It is consistent with false or misleading information in a work diary	N/A	N/A	N/A	Yes	No	N/A - It is a necessary offence to ensure operators treat IAP data appropriately	Alternatively, operator obligations could be audited down into Business Rules and Standards or other lower order instruments.	Revise	May be a regulatory gap	
40211 Offsetting vehicle driver or disclosure of information by intelligent access program service provider	Operator of an IAP vehicle	7500		Disclosing driver information without informed consent	Ensures that drivers know what data is collected about them and how they can access it to correct it	Yes	No	No	Breaches privacy	No	Yes - there would be various other pieces of legislation that would control this in various forms	No data on contraventions. Unlikely this has been enforced ever.	The deterrent is significant but difficult to prosecute, and may not ever have been enforced.	It is consistent with the rest of Ch 7 but there are no other privacy related provisions in the HWN to compare against	N/A	N/A	N/A	No	No identifiable perverse regulatory outcomes. Odd that operators should provide the address of a Service Provider, rather than their contact details.	Yes - sensitive data should be kept safe.	No	Revise	Consider updating 11(1)(n) to contact details - phone number, web address, etc. 7
40611 Reporting system malfunctions to Regulator	Operator of an IAP vehicle	7500		Operators hiding system malfunctions from the Regulator	Operators may otherwise conceal this information to allow contravention of access provisions or other offences	Yes	No	No	No	Likely - but not sure how I'd find out	No data on contraventions. Unlikely this has been enforced ever.	Likely significant enough a deterrent, but no contraventions. Contact Centre and the Vehicle Monitoring Team have no evidence of this ever happening	It is appropriately a lower penalty than s406 and equal to other IAP penalties.	N/A	N/A	N/A	Not primarily	No identifiable perverse regulatory outcomes. Odd that operators should provide the address of a Service Provider, rather than their contact details.	N/A	No	Revise	Definitely need to raise the penalty	
40621 Reporting system malfunctions to Regulator	Operator of an IAP vehicle	7500		This is somewhat reasonable as it protects the Regulator from unfounded claims of data loss. If an operator claims to have provided this report, but the Regulator has no record of provision of the report, the operator can still be convicted under (2)	Operators may falsely claim to have provided the report	Yes	No	No	No	Unlikely	No data on contraventions. Unlikely this has been enforced ever.	Yes, when compared to 406 (1)	Yes, when compared to 406 (1)	N/A	N/A	N/A	Yes	It appears that there has never been an offence found under this section, an operator should fairly presume that the Regulator will keep track of records provided to it. However, it may be necessary in order to demonstrate that a record was in fact provided.	No	Yes	Keep		
40711 Allowing driver of driver's obligations about reporting system malfunctions	Operator of an IAP vehicle	7500		Operators must be required to inform drivers about their obligation to report a malfunction to the operator. However, since the penalty for not advising a driver (407) is the same as not reporting the malfunction (406), operators are incentivised to not advise drivers, or to be as unclear as possible in advising the driver. You can only be breached once for not informing the driver (that they must report malfunctions to you) but you can be breached multiple times for not reporting those malfunctions to the Regulator.	Operators must be required to inform drivers about their obligation to report a malfunction to the operator. However, since the penalty for not advising a driver (407) is the same as not reporting the malfunction (406), operators are incentivised to not advise drivers, or to be as unclear as possible in advising the driver.	Yes	No	No	No	Unlikely	No data on contraventions. Unlikely this has been enforced ever.	Yes	No, when compared to 406	N/A	N/A	N/A	Yes	Yes - drivers should be informed about their obligations about reporting system malfunctions. However, operators are incentivised to not inform drivers about their obligations, as the penalty is the same as 406, but operators can be breached many more times for 406 than 407.	No	Yes	Revise	Perverse incentive created by having the same penalty size as 406	
40611 Reporting system malfunctions to operator	Driver of an IAP vehicle	7500		Drivers hiding IAP system malfunctions from their operator	Ensures the obligation on the driver is just to report the malfunctioning and keep a record of it	Yes	No	No	No	Unlikely	No data on contraventions. Unlikely this has been enforced ever.	Yes	N/A	N/A	N/A	N/A	No	Drivers should be obliged to report malfunctions to the operator	Yes	No	Keep		
40611 Reporting system malfunctions to operator	Driver of an IAP vehicle	7500		Drivers not keeping a record of providing this information to an operator	Drivers may falsely claim to have provided the report	Yes	No	No	No	Unlikely	No data on contraventions. Unlikely this has been enforced ever.	Yes	N/A	N/A	N/A	N/A	Yes	No	Yes	No	Keep		
41011 Collecting intelligent access program information	IAP Service Provider	7500		Service providers collecting information appropriately	Service providers cannot be allowed to collect and use IAP information for purposes unrelated to the HWN.	Yes	No	No	Breaches privacy	No	Tangentially privacy and surveillance legislation perhaps? But not this specific offence	No data on contraventions. Unlikely this has been enforced ever.	Yes	N/A	N/A	N/A	Yes technically, but in reality	No	Yes	Maybe - there are a number of provisions that place similar restrictions on service providers, auditors, TCA, and operators.	Revise		
41021 Collecting intelligent access program information	IAP Service Provider	7500		Service providers collecting information without contravening privacy of individuals	Service providers cannot be allowed to collect and use IAP information for purposes unrelated to the HWN.	Yes	No	No	Breaches privacy	No	Tangentially privacy and surveillance legislation perhaps? But not this specific offence	No data on contraventions. Unlikely this has been enforced ever.	Yes	N/A	N/A	N/A	Yes technically, but in reality	No	Yes	Maybe - there are a number of provisions that place similar restrictions on service providers, auditors, TCA, and operators.	Revise		
41111 Keeping records of intelligent access program information collected	IAP Service Provider	7500		Service providers must keep records of IAP information that effectively facilitates the inspection by an IAP auditor	Reasonable provision	Yes	No	No	No	No	No data on contraventions. Unlikely this has been enforced ever.	Probably yes	N/A	N/A	N/A	N/A	Yes technically, but in reality	No	Yes	Possibly - service provider and auditor obligations could be pushed down into Business Rules and Standards or other lower order instruments.	Revise		
412 Protecting intelligent access program information	IAP Service Provider	2100		Service providers must protect IAP information from unauthorised access, use, misuse, loss, modification or disclosure	Reasonable provision	Yes	Yes	No	Breaches privacy	Possibly	Yes probably - privacy and data legislation	No data on contraventions. Unlikely this has been enforced ever.	Yes	In line with 428 on TCA and 442 on auditors	N/A	N/A	N/A	No	No	Yes	Possibly - there is an identical offence for auditors (443) and TCA (428). These may be able to be combined.	Revise	
41311 Making individuals aware of personal information held	IAP Service Provider	7500		Service providers not providing general information as to how individuals can access data held, and how the service provider manages that data	Reasonable provision	Yes	No	No	No	Possibly privacy or data legislation	No data on contraventions. Unlikely this has been enforced ever.	Yes	Yes - it is identical to 429 on TCA and 443 on auditors	N/A	N/A	N/A	No	No	Yes	Possibly - there is an identical offence for auditors (443) and TCA (428). These may be able to be combined.	Revise		
41321 Making individuals aware of personal information held	IAP Service Provider	7500		Service providers not providing general information as to how individuals can access data held, and how the service provider manages that data	Reasonable provision	Yes	No	No	No	Possibly privacy or data legislation	No data on contraventions. Unlikely this has been enforced ever.	Yes	Yes - it is identical to 429 on TCA and 443 on auditors	N/A	N/A	N/A	No	No	Yes	Possibly - there is an identical offence for auditors (443) and TCA (428). These may be able to be combined.	Revise		
41411 Giving individuals access to their personal information	IAP Service Provider	7500		Service providers not providing individuals access to their personal information	Reasonable provision	Yes	No	No	No	Very likely privacy or data legislation	No data on contraventions. Unlikely this has been enforced ever.	Yes	Yes - 416 on service providers, 430 on TCA and 444 on auditors are identical	N/A	N/A	N/A	No	No	Yes	Possibly - 4414, 4430, and 4444 are identical and may be able to be combined.	Revise		
41511 Correcting errors etc.	IAP Service Provider	7500		Service Providers not allowing individuals to correct information	Reasonable provision	Yes	No	No	No	Very likely privacy or data legislation	No data on contraventions. Unlikely this has been enforced ever.	Yes	Yes - 415 on service providers, 431 on TCA, and 445 on auditors are identical	N/A	N/A	N/A	No	No	Yes	4415, 431, and 445 are identical and can be combined.	Revise		
41541 Correcting errors etc.	IAP Service Provider	7500		Service Providers not allowing individuals to correct information	Reasonable provision	Yes	No	No	No	Very likely privacy or data legislation	No data on contraventions. Unlikely this has been enforced ever.	Yes	Yes - 415 on service providers, 431 on TCA, and 445 on auditors are identical	N/A	N/A	N/A	No	No	Yes	4415, 431, and 445 are identical and can be combined.	Revise		
416 General restriction on use or disclosure of intelligent access program information	IAP Service Provider	2100		Using or disclosing IAP information when not otherwise authorised or allowed to do so	Reasonable provision	Yes	Depends on the specific use of the data	May breach privacy	Possibly	No	No data on contraventions. Unlikely this has been enforced ever.	Yes	Yes - 416 on service providers, 432 on TCA, and 446 on auditors are identical	N/A	N/A	N/A	No	No	Yes	Yes - 416 on service providers, 432 on TCA, and 446 on auditors are identical and can be combined.	Revise		
417 Giving intelligent access program auditor access to records	IAP Service Provider	7500		Frustrating the auditing process and/or compliance and enforcement activities	Reasonable provision	Yes	No	No	No	No	No data on contraventions. Unlikely this has been enforced ever.	Probably too small	Possibly too small - service providers may be incentivised to hide records that indicate they may be noncompliant	N/A	N/A	N/A	No	No	Yes	Possibly? There's a risk that a service provider refuses an auditor/regulator access to data either then never it hasn't appropriately managed that data	No	Revise	Needs a higher penalty. Currently there's a perverse incentive to refuse auditor/regulator access to some records rather than provide them when the service provider is noncompliant.

437(1) Destroying intelligent access program information or removing personal information from it	Transport Security Authority (TSA)	7500		TCA must destroy information that is personally identifiable, protecting privacy and data	Reasonable provision	Yes	No	No	No	No	Possibly privacy or data legislation	No data on contraventions. Unlikely this has been enforced ever.	Yes	Yes	N/A	N/A	N/A	Yes, sort of?	No	Yes	421 for service providers, 437 for TCA, and 450 for auditors are similar and possibly can be combined	Revise	Possible opportunity for streamlining. Also, this provision excludes noncompliance reports, but does not provide a requirement that those ever be destroyed, or that personal information in them ever be scrubbed. This is plainly a legislative oversight and imposes. Surely NCCs are the highest-risk personal information available, given that they potentially expose industry participants to reputational impacts as well as privacy impacts.		
438(1) Reporting tampering or suspected tampering with or malfunction or suspected malfunction of, or tampering or suspected tampering with, approved intelligent transport system	Transport Security Authority (TSA)	7500		Reporting tampering or suspected tampering	Reasonable provision	Yes	No	No	No	No	No	No data on contraventions. Unlikely this has been enforced ever.	Yes	Yes	N/A	N/A	N/A	No	No	Yes	423 for service providers, 438 for TCA, and 452 for auditors are similar and possibly can be combined	Revise	Opportunity for streamlining		
438(1) Restriction on disclosing information about tampering or suspected tampering with approved intelligent transport system	Transport Security Authority (TSA)	7500		Not disclosing suspicions around tampering to operators	Reasonable provision	Yes	No	No	No	No	No	No data on contraventions. Unlikely this has been enforced ever.	Yes	Yes	N/A	N/A	N/A	No	No	Yes	424 for service providers, 439 for TCA, and 453 for auditors are similar and possibly can be combined	Revise	Opportunity for streamlining		
438(2) Restriction on disclosing information about tampering or suspected tampering with approved intelligent transport system	Transport Security Authority (TSA)	7500		Not disclosing suspicions around tampering to operators	Reasonable provision	Yes	No	No	No	No	No	No data on contraventions. Unlikely this has been enforced ever.	Yes	Yes	S416 (general restriction on use or disclosure of intelligent access program information) is 2.5 times larger than other penalties, presumably to allow regulatory discretion for significant breaches. This may be appropriate.	N/A	N/A	N/A	No	No	Yes	424 for service providers, 439 for TCA, and 453 for auditors are similar and possibly can be combined	Revise	Opportunity for streamlining	
442(2) Collecting intelligent access program information	UP Auditor	7500		Not collecting excessive, unnecessary, or incorrect/incomplete data	Reasonable provision	Yes	No	No	No	No	No	No data on contraventions. Unlikely this has been enforced ever.	Presumably?	Yes	446 provides some protection as it is 2.5 times higher than other offences. However, 446 only manages use or disclosure of data, not collection of data, so there may be an argument to suggest that 446 is not sufficient.	N/A	N/A	N/A	No	Possibly? The penalty for collecting excessive or incorrect data is not very high for the risk that it poses.	Yes	427 for TCA and 441 for auditors are similar and can be combined	Revise	The penalty for collecting excessive or incorrect data is not very high for the risk that it poses. Opportunity for streamlining.	
442(2) Collecting intelligent access program information	UP Auditor	7500		Not collecting excessive, unnecessary, or incorrect/incomplete data	Reasonable provision	Yes	No	No	No	No	No	No data on contraventions. Unlikely this has been enforced ever.	Presumably?	Yes	446 provides some protection as it is 2.5 times higher than other offences. However, 446 only manages use or disclosure of data, not collection of data, so there may be an argument to suggest that 446 is not sufficient.	N/A	N/A	N/A	No	Possibly? The penalty for collecting excessive or incorrect data is not very high for the risk that it poses.	Yes	427 for TCA and 441 for auditors are similar and can be combined	Revise	The penalty for collecting excessive or incorrect data is not very high for the risk that it poses. Opportunity for streamlining.	
443 Protecting intelligent access program information collected	UP Auditor	2100		General offence against auditors not protecting program information sufficiently	Reasonable provision	Yes	Yes	No	No	No	Yes - surely the Privacy Act or something else	No data on contraventions. Unlikely this has been enforced ever.	Yes	Appropriately large	N/A	N/A	N/A	No	No	Yes	428 for TCA and 443 for auditors are similar and can be combined.	Revise	This offence appears incorrectly drafted: "protected against unauthorized access, unauthorized use, misuse, loss, modification or unauthorized disclosure". Why would "unauthorized" not be attached to every activity? At present, it appears that any modification of this information is a breach of 443, even if authorized (for instance, corrected through 445).		
443(1) Making individuals aware of personal information held	UP Auditor	7500		Auditors not providing general information as to how individuals can access data held, and how auditors manage that data	Reasonable provision	Yes	No	No	No	No	Possibly privacy or data legislation	No data on contraventions. Unlikely this has been enforced ever.	Yes	Yes	N/A	N/A	N/A	N/A	No	Yes	Possibly - there is an identical offence for TCA (443) and Service providers (413). These may be able to be combined.	Revise	Opportunity for streamlining		
444(1) Giving individuals access to their personal information	UP Auditor	7500		Auditors not providing individuals access to their personal information	Reasonable provision	Yes	No	No	No	No	Very likely privacy or data legislation	No data on contraventions. Unlikely this has been enforced ever.	Yes	Yes	414 on service providers, 430 on TCA and 440 on auditors are identical	N/A	N/A	N/A	No	No	Yes	414, 430, and 440 are identical and should be combined.	Revise	Opportunity for streamlining	
445(1) Correcting errors etc.	UP Auditor	7500		Auditors not allowing individuals to correct information	Reasonable provision	Yes	No	No	No	No	Very likely privacy or data legislation	No data on contraventions. Unlikely this has been enforced ever.	Yes	Yes	415 on service providers, 431 on TCA, and 445 on auditors are identical	N/A	N/A	N/A	No	No	Yes	415, 431, and 445 are identical and can be combined.	Revise	Opportunity for streamlining	
445(2) Correcting errors etc.	UP Auditor	7500		Auditors not allowing individuals to correct information	Reasonable provision	Yes	No	No	No	No	Very likely privacy or data legislation	No data on contraventions. Unlikely this has been enforced ever.	Yes	Yes	415 on service providers, 431 on TCA, and 445 on auditors are identical	N/A	N/A	N/A	No	No	Yes	415, 431, and 445 are identical and can be combined.	Revise	Opportunity for streamlining	
446 General restriction on use and disclosure of intelligent access program information	UP Auditor	2100		Using or disclosing IAP information when not otherwise authorised or allowed to do so	Reasonable provision	Yes		Depends on the specific use of the data	May breach privacy	Possibly	No	No data on contraventions. Unlikely this has been enforced ever.	Yes	Yes	416 on service providers, 432 on TCA, and 446 on auditors are identical	N/A	N/A	N/A	No	No	Yes	416 on service providers, 432 on TCA, and 446 on auditors are identical and can be combined.	Revise	Opportunity for streamlining	
446 Restriction about intelligent access program information that may be used or disclosed	UP Auditor	7500		Using or disclosing IAP information when not certain that the information is accurate, complete and up to date	Reasonable provision	Yes	No		May breach privacy	No	Very likely privacy or data legislation	No data on contraventions. Unlikely this has been enforced ever.	Probably too small	Yes	Identical to 448	N/A	N/A	N/A	No	No	Yes	434 on TCA and 448 on auditors are identical and can be combined.	Revise	Opportunity for streamlining	
448(1) Keeping record of use or disclosure of intelligent access program information	UP Auditor	7500		If IAP information is used or disclosed, this must be recorded effectively and accessible to authorized officers	Reasonable provision	Yes	No	No	No	No	Possibly privacy or data legislation	No data on contraventions. Unlikely this has been enforced ever.	Yes	Yes	N/A	N/A	N/A	No	No	Yes	Possibly - 419 on service providers, 435 on TCA, 449 on auditors are identical and can be combined.	Revise	Opportunity for streamlining		
448(2) Keeping record of use or disclosure of intelligent access program information	UP Auditor	7500		If IAP information is used or disclosed, this must be recorded effectively and accessible to authorized officers	Reasonable provision	Yes	No	No	No	No	Possibly privacy or data legislation	No data on contraventions. Unlikely this has been enforced ever.	Yes	Yes	N/A	N/A	N/A	No	No	Yes	Possibly - 419 on service providers, 435 on TCA, 449 on auditors are identical and can be combined.	Revise	Opportunity for streamlining		
448(3) Keeping record of use or disclosure of intelligent access program information	UP Auditor	7500		If IAP information is used or disclosed, this must be recorded effectively and accessible to authorized officers	Reasonable provision	Yes	No	No	No	No	Possibly privacy or data legislation	No data on contraventions. Unlikely this has been enforced ever.	Yes	Yes	N/A	N/A	N/A	No	No	Yes	Possibly - 419 on service providers, 435 on TCA, 449 on auditors are identical and can be combined.	Revise	Opportunity for streamlining		
452(1) Destroying intelligent access program information or removing personal information from it	UP Auditor	7500		Auditors must destroy information that is personally identifiable, protecting privacy and data	Reasonable provision	Yes	No	No	No	No	Possibly privacy or data legislation	No data on contraventions. Unlikely this has been enforced ever.	Yes	Yes	N/A	N/A	N/A	N/A	No	Yes	421 for service providers, 437 for TCA, and 450 for auditors are similar and possibly can be combined	Revise	Possible opportunity for streamlining.		
453 Reporting contraventions by intelligent access program service providers to TCA	UP Auditor	7500		Auditors must report potential tampering by service providers to TCA	Reasonable provision	Yes	No	No	No	No	Probably not	No data on contraventions. Unlikely this has been enforced ever.	Yes	Yes	N/A	N/A	N/A	N/A	No	Yes	452b is just a rephrasing and renumbering of 451. Can remove 452b.	Keep	Opportunity for streamlining		
452 Reporting tampering or suspected tampering with approved intelligent transport system - Regulator or TCA	UP Auditor	7500		Reporting tampering or suspected tampering	Reasonable provision	Yes	No	No	No	No	No	No data on contraventions. Unlikely this has been enforced ever.	Yes	Yes	S446 (general restriction on use or disclosure of intelligent access program information) is 2.5 times larger than other penalties, presumably to allow regulatory discretion for significant breaches. This may be appropriate.	N/A	N/A	N/A	No	No	Yes	422 for service providers, 438 for TCA, and 452 for auditors are similar and possibly can be combined. 452b is just a rephrasing of 451 and can be removed.	Revise	Opportunity for streamlining - both combining 422, 438, and 452, and removing 452b together so it is superfluous given 451.	
452(1) Restriction on disclosing information about tampering or suspected tampering with approved intelligent transport system	UP Auditor	7500		Not disclosing suspicions around tampering to operators	Reasonable provision	Yes	No	No	No	No	No	No data on contraventions. Unlikely this has been enforced ever.	Yes	Yes	S446 (general restriction on use or disclosure of intelligent access program information) is 2.5 times larger than other penalties, presumably to allow regulatory discretion for significant breaches. This may be appropriate.	N/A	N/A	N/A	No	No	Yes	424 for service providers, 439 for TCA, and 453 for auditors are similar and possibly can be combined.	Revise	Opportunity for streamlining	
452(2) Restriction on disclosing information about tampering or suspected tampering with approved intelligent transport system	UP Auditor	7500		Not disclosing suspicions around tampering to operators	Reasonable provision	Yes	No	No	No	No	No	No data on contraventions. Unlikely this has been enforced ever.	Yes	Yes	S446 (general restriction on use or disclosure of intelligent access program information) is 2.5 times larger than other penalties, presumably to allow regulatory discretion for significant breaches. This may be appropriate.	N/A	N/A	N/A	No	No	Yes	424 for service providers, 439 for TCA, and 453 for auditors are similar and possibly can be combined.	Revise	Opportunity for streamlining	
454(1) Offence to tamper with approved intelligent transport system	Penalty	1000		General offence for tampering intentionally	Reasonable provision	Yes	No	No	No	No	No	No data on contraventions. Unlikely this has been enforced ever.	Yes	Yes	Tampering maximum penalty is the same as misleading information, which is appropriate.	N/A	N/A	N/A	No	No	Yes	No	Keep	Good provision! Exemplifies how Ch. 7 can be streamlined. Why copy-paste provisions for each role when you can have a shorter, broader, clearer provision that covers all roles?	
454(2) Offence to tamper with approved intelligent transport system	Penalty	1000		General offence for tampering due to negligence or recklessness	Reasonable provision	Yes	No	No	No	No	No	No data on contraventions. Unlikely this has been enforced ever.	Yes	Yes	Tampering due to negligence is 20% lower than intentionally, this appears to be roughly appropriate.	N/A	N/A	N/A	No	No	Yes	No	Keep	Good provision! Exemplifies how Ch. 7 can be streamlined. Why copy-paste provisions for each role when you can have a shorter, broader, clearer provision that covers all roles?	
466(2A) Accreditation labels for maintenance management accreditation and mass management accreditation	Operator of a heavy vehicle	370	377	These offences and penalties have been analysed by the NTC and the HWNL already																					
466(2B) Accreditation labels for maintenance management accreditation and mass management accreditation	Penalty	370	377	These offences and penalties have been analysed by the NTC and the HWNL already																					
467 Compliance with conditions of AFM accreditation or AFM accreditation	Holder of AFM accreditation	750	756	Where an operator is accredited in either AFM or AFM they must comply with the conditions placed on their accreditation																					
				Certain regulatory concessions are granted to operators where they can demonstrate that they can operate in a safe manner. As such, where a certificate of accreditation is given they must comply with any conditions placed on that accreditation for fatigue																					
				Yes - the HWNL control the management of accreditation is within the scope of the Act and the HWNL already																					
				Yes - the HWNL control the management of accreditation is within the scope of the Act																					
				Yes - the HWNL control the management of accreditation is within the scope of the Act																					
				There seems to be low enforcement of the condition. This indicates that operators are largely operating within their conditions and the penalty level is adequate																					
				The penalty is equivalent to the seriousness of conditions in relation to fatigue within the HWNL																					
				The penalty level is consistent with other penalties for fatigue and conditions																					

4682) Driver operating under BFM accreditation or AFM accreditation must carry accreditation details	Driver	370	377	Where a driver is operating under a BFM or AFM accreditation, the driver must carry the accreditation certificate, proof that they are inducted into the relevant management system, a copy of the hours they are operating under and a document saying that they are operating under those hours	Certain regulatory concessions are granted to operators where they demonstrate that they operate in a safe manner. As such, where a certificate of accreditation is given they must comply with any conditions placed on that accreditation for fatigue	Yes - the HVNL control the management of accreditation is within the scope of the objects of the Act	No	No	No	No	No	No	There is a significant amount of enforcement of these offences for not a lot of safety value. These offences may be seen as trivial.	The penalty is equivalent to the seriousness of conditions in relation to fatigue within the HVNL	The penalty level is consistent with other penalties for fatigue	N/A	N/A	N/A	Yes - consideration should be given to whether or not these requirements are needed	N/A	N/A	N/A	Revise		
4683) Driver operating under BFM accreditation or AFM accreditation must carry accreditation details	Operator of a heavy vehicle	370	377	The employer must ensure that where a driver is operating under a BFM or AFM accreditation, the driver must carry the accreditation certificate, proof that they are inducted into the relevant management system, a copy of the hours they are operating under and a document saying that they are operating under those hours	Certain regulatory concessions are granted to operators where they can demonstrate that they can operate in a safe manner. As such, where a certificate of accreditation is given they must comply with any conditions placed on that accreditation for fatigue	Yes - the HVNL control the management of accreditation is within the scope of the objects of the Act	No	No	No	No	No	No	There is a significant amount of enforcement of these offences for not a lot of safety value. These offences may be seen as trivial.	The penalty is equivalent to the seriousness of conditions in relation to fatigue within the HVNL	The penalty level is consistent with other penalties for fatigue	N/A	N/A	N/A	Yes - consideration should be given to whether or not these requirements are needed	N/A	N/A	N/A	Revise		
4683) Driver must return particular documents if they operating under BFM accreditation or AFM accreditation etc.	Driver	500	503	Where a driver is operating under BFM or AFM accreditation and the operator has given the document for the purpose of operating under AFM or BFM and stops operating under the accreditation or no longer meets the requirements relating to drivers operating under the accreditation, the driver must return the document to the operator, as soon as possible	Certain regulatory concessions are granted to operators where they can demonstrate that they can operate in a safe manner. As such, where a certificate of accreditation is given they must comply with any conditions placed on that accreditation for fatigue	Yes - the HVNL control the management of accreditation is within the scope of the objects of the Act	No	No	NO	No	No	No	There is very little enforcement of this offence. Given the nature of the offence it would be quite hard to detect and prove. It would provide an effective deterrent for maintaining the control of record keeping	The penalty is not consistent with the seriousness of other record keeping offences set elsewhere in the context of the Act	The penalty level is not consistent with other record keeping offences within the HVNL	N/A	N/A	N/A	Yes - consideration should be given to whether or not these requirements are needed	N/A	Given the way accreditation certificates are provided in electronic form it may be able to be controlled documents this way in legislation	N/A	Revise	record keeping document control.	
4752) General requirements applying to operator with heavy vehicle accreditation	Operator of a heavy vehicle	750		Where an operator is accredited in AFM or BFM, the operator must ensure each driver who operates under the accreditation is inducted into the operator's relevant management system	Certain regulatory concessions are granted to operators where they can demonstrate that they can operate in a safe manner. As such, where a certificate of accreditation is given they must comply with any conditions placed on that accreditation for fatigue	Yes - the HVNL control the management of accreditation is within the scope of the objects of the Act	No	No	NO	No	No	No	This is an important offence to ensure that all drivers and operators work together to ensure that the driver is managing their fatigue in a safe manner that is consistent with the management system implemented by the operator	The penalty is equivalent to the seriousness of conditions in relation to fatigue within the HVNL	The penalty level is not consistent with other record keeping offences within the HVNL	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Keep	
4753) General requirements applying to operator with heavy vehicle accreditation	Operator of a heavy vehicle	750	754	Where a driver is operating under AFM accreditation, the operator must ensure that each driver is informed of the AFM hours applying under the accreditation	Certain regulatory concessions are granted to operators where they can demonstrate that they can operate in a safe manner. As such, where a certificate of accreditation is given they must comply with any conditions placed on that accreditation for fatigue	Yes - the HVNL control the management of accreditation is within the scope of the objects of the Act	No	No	NO	No	No	No	This is an important offence to ensure that all drivers and operators work together to ensure that the driver is managing their accreditation in a safe manner that is consistent with the record management system implemented by the operator	The penalty is equivalent to the seriousness of conditions in relation to fatigue within the HVNL	The penalty level is not consistent with other record keeping offences within the HVNL	N/A	N/A	N/A	N/A	N/A	N/A	This offence is arguably covered by 4702) - this could be streamlined	Revise	Streamlining offences	
4754) General requirements applying to operator with heavy vehicle accreditation	Operator of a heavy vehicle	750		The operator must keep the accreditation certificate for the accreditation, a list of drivers inducted into BFM or AFM or a list of vehicles	Certain regulatory concessions are granted to operators where they can demonstrate that they can operate in a safe manner. As such, where a certificate of accreditation is given they must comply with any conditions placed on that accreditation for fatigue	Yes - the HVNL control the management of accreditation is within the scope of the objects of the Act	No	No	NO	No	No	No	This is an important offence to ensure that all drivers and operators work together to ensure that the driver is managing their accreditation in a safe manner that is consistent with the record management system implemented by the operator	The penalty is equivalent to the seriousness of conditions in relation to fatigue within the HVNL	The penalty level is not consistent with other record keeping offences within the HVNL	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Keep	
4755) General requirements applying to operator with heavy vehicle accreditation	Operator of a heavy vehicle	750		The operator must keep the accreditation certificate for the period in which it is current and for AFM and BFM for a period of 3 years and the list is made	Certain regulatory concessions are granted to operators where they can demonstrate that they can operate in a safe manner. As such, where a certificate of accreditation is given they must comply with any conditions placed on that accreditation for fatigue	Yes - the HVNL control the management of accreditation is within the scope of the objects of the Act	No	No	NO	No	No	No	This is an important offence to ensure that all drivers and operators work together to ensure that the driver is managing their accreditation in a safe manner that is consistent with the record management system implemented by the operator	The penalty is equivalent to the seriousness of conditions in relation to fatigue within the HVNL	The penalty level is not consistent with other record keeping offences within the HVNL	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Keep	
4756) General requirements applying to operator with heavy vehicle accreditation	Operator of a heavy vehicle	370		The operator must keep a document that is required under accreditation, that is the accreditation certificate, the list of drivers operating under a fatigue module and a list of vehicle in use and maintenance in a state that can be used for evidence.	Certain regulatory concessions are granted to operators where they can demonstrate that they can operate in a safe manner. As such, where a certificate of accreditation is given they must comply with any conditions placed on that accreditation for fatigue	Yes - the HVNL control the management of accreditation is within the scope of the objects of the Act	No	No	NO	No	No	No	This is an important offence to ensure that all drivers and operators work together to ensure that the driver is managing their accreditation in a safe manner that is consistent with the record management system implemented by the operator	The penalty is equivalent to the seriousness of conditions in relation to fatigue within the HVNL	The penalty level is not consistent with other record keeping offences within the HVNL	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Keep	
4757) General requirements applying to operator with heavy vehicle accreditation	Operator of a heavy vehicle	370	377	The operator must be able to produce the above documents when requested by notice by the regulator	Certain regulatory concessions are granted to operators where they can demonstrate that they can operate in a safe manner. As such, where a certificate of accreditation is given they must comply with any conditions placed on that accreditation for fatigue	Yes - the HVNL control the management of accreditation is within the scope of the objects of the Act	No	No	NO	No	No	No	This is an important offence to ensure that all drivers and operators work together to ensure that the driver is managing their accreditation in a safe manner that is consistent with the record management system implemented by the operator	The penalty is equivalent to the seriousness of conditions in relation to fatigue within the HVNL	The penalty level is not consistent with other record keeping offences within the HVNL	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Keep	
4758) Operator must give notice of amendment, suspension or ending of heavy vehicle accreditation	Operator of a heavy vehicle	750	754	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	Certain regulatory concessions are granted to operators where they can demonstrate that they can operate in a safe manner. As such, where a certificate of accreditation is given they must comply with any conditions placed on that accreditation for fatigue	Yes - the HVNL control the management of accreditation is within the scope of the objects of the Act	No	No	NO	No	No	No	This offence is not really used by it is important to ensure that communication takes place between the operator, its schedulers and its drivers so they are aware of the changes in accreditation	The penalty is equivalent to the seriousness of conditions in relation to fatigue within the HVNL	The penalty level is not consistent with other record keeping offences within the HVNL	N/A	N/A	N/A	N/A	N/A	N/A	Consideration needs to be given as to why an offence is needed to be attached to this direction	N/A	Revise	
4759) Operator must give notice of amendment, suspension or ending of heavy vehicle accreditation	Operator of a heavy vehicle	500	503	If the driver of a heavy vehicle is given a notice under subsection (2), the driver must, as soon as reasonably practicable, refer to the operator any document relevant to the notice given to the driver by the operator for the purposes of section 468(1).	Certain regulatory concessions are granted to operators where they can demonstrate that they can operate in a safe manner. As such, where a certificate of accreditation is given they must comply with any conditions placed on that accreditation for fatigue	Yes - the HVNL control the management of accreditation is within the scope of the objects of the Act	No	No	NO	No	No	No	This offence is not really used by it is important to ensure that communication takes place between the operator, its schedulers and its drivers so they are aware of the changes in accreditation	The penalty is equivalent to the seriousness of conditions in relation to fatigue within the HVNL	The penalty level is not consistent with other record keeping offences within the HVNL	N/A	N/A	N/A	N/A	N/A	N/A	Consideration needs to be given as to why an offence is needed to be attached to this direction	N/A	Revise	
4762) Return of accreditation certificate	Person	750	754	If a persons heavy vehicle accreditation is cancelled suspended or amended, the regulator by notice may require the person to return their accreditation certificate within 7 days	Certain regulatory concessions are granted to operators where they can demonstrate that they can operate in a safe manner.	Yes - the HVNL control the management of accreditation is within the scope of the objects of the Act	No	No	NO	No	No	No	There has been no enforcement of this offence. It is hard to see whether it provides any deterrent value anymore. It is also unclear at this stage whether or not the return occurs any more	The penalty is equivalent to the seriousness of record keeping in relation to fatigue within the HVNL	The penalty level is not consistent with other record keeping offences within the HVNL	N/A	N/A	N/A	Yes - this offence seems rather default given that accreditation certificates are now electronic	N/A	Yes - this offence seems rather default given that accreditation certificates are now electronic	N/A	Revise		
4773) Replacement of defaced etc. accreditation certificate	Person	500		1) 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 certificate	Certain regulatory concessions are granted to operators where they can demonstrate that they can operate in a safe manner.	Yes - the HVNL control the management of accreditation is within the scope of the objects of the Act	No	No	NO	No	No	No	There has been no enforcement of this offence. It is hard to see whether it provides any deterrent value anymore. It is also unclear at this stage whether or not the return occurs any more	The penalty is equivalent to the seriousness of record keeping in relation to fatigue within the HVNL	The penalty level is not consistent with other record keeping offences within the HVNL	N/A	N/A	N/A	Yes - this offence seems rather default given that accreditation certificates are now electronic	N/A	Yes - this offence seems rather default given that accreditation certificates are now electronic	N/A	Revise		

OFFICIAL

HVNL Offence	Number of convictions	Average Penalty	Average prosecution costs
HVNL 102(1)(b)(i) - EXCEED HEIGHT - MINOR RISK BREACH	71	\$2,158	\$67
HVNL 102(1)(b)(iii) - EXCEED HEIGHT - SEVERE RISK BREACH	12	\$883	\$68
HVNL 102(1)(b)(iii) - EXCEED LENGTH - SEVERE RISK BREACH	27	\$1,291	\$130
HVNL 102(1)(b)(iii) - EXCEED LENGTH REAR OVERHANG - SEVERE RISK BREACH	9	\$1,239	\$128
HVNL 102(1)(b)(iii) - EXCEED WIDTH - SEVERE RISK BREACH	40	\$1,276	\$132
HVNL 111(1)(a) - INSECURE LOAD (INAPPROPRIATE METHOD) - MINOR RISK BREACH	1	\$500	\$250
HVNL 111(1)(b) - INSECURE LOAD (UNSTABLE OR UNSAFE) - SUBSTANTIAL RISK BREACH	1	\$592	\$102
HVNL 111(1)(c) - INSECURE LOAD (FALL OR DISLODGED) - SEVERE RISK BREACH	2	\$700	\$51
HVNL 111(1)(c) - INSECURE LOAD (INAPPROPRIATE METHOD) - SEVERE RISK BREACH	2	\$750	\$51
HVNL 111(1)(c) - INSECURE LOAD (UNSTABLE OR UNSAFE) - SEVERE RISK BREACH	5	\$2,300	\$143
HVNL 137 - FAIL TO COMPLY WITH THE NATIONAL CLASS 2 AUTHORISATION NOTICE	1	\$7,000	\$250
HVNL 250(1)(a)(a) - FATIGUE - EXCEED MAXIMUM WORK TIME (SOLO DRIVER) - MINOR RISK BREACH	2	\$125	\$102
HVNL 250(1)(a)(b) - FATIGUE - EXCEED MAXIMUM WORK TIME (SOLO DRIVER) - SUBSTANTIAL RISK BREACH	3	\$1,633	\$68
HVNL 250(1)(a)(c) - FATIGUE - EXCEED MAXIMUM WORK TIME (SOLO DRIVER) - SEVERE RISK BREACH	8	\$1,060	\$128
HVNL 250(1)(a)(d) - FATIGUE - EXCEED MAXIMUM WORK TIME (SOLO DRIVER) - CRITICAL RISK BREACH	185	\$1,436	\$269
HVNL 250(1)(b)(c) - FATIGUE - INSUFFICIENT MINIMUM REST TIME (SOLO DRIVER) - SEVERE RISK BREACH	4	\$1,100	\$132
HVNL 250(1)(b)(d) - FATIGUE - INSUFFICIENT MINIMUM REST TIME (SOLO DRIVER) - CRITICAL RISK BREACH	52	\$1,609	\$204
HVNL 254(1)(a)(a) - FATIGUE - EXCEED MAXIMUM WORK TIME (BFM) (SOLO DRIVER) - MINOR RISK BREACH	1	\$440	\$816
HVNL 254(1)(a)(b) - FATIGUE - EXCEED MAXIMUM WORK TIME (BFM) (SOLO DRIVER) - SUBSTANTIAL RISK BREACH	1	\$1,500	\$102
HVNL 254(1)(a)(d) - FATIGUE - EXCEED MAXIMUM WORK TIME (BFM) (SOLO DRIVER) - CRITICAL RISK BREACH	28	\$1,268	\$121
HVNL 254(1)(b)(c) - FATIGUE - INSUFFICIENT MINIMUM REST TIME (SOLO DRIVER) - SEVERE RISK BREACH	1	\$0	\$0
HVNL 254(1)(b)(d) - FATIGUE - INSUFFICIENT MINIMUM REST TIME (SOLO DRIVER) - CRITICAL RISK BREACH	23	\$1,342	\$225
HVNL 26F - FAIL TO COMPLY WITH DUTY - Category 1	2	\$1,155,150	\$250
HVNL 26G - FAIL TO COMPLY WITH DUTY - Category 2	3	\$29,833	\$0
HVNL 26H - FAIL TO COMPLY WITH DUTY - Category 3	2	\$88,750	\$12,405
HVNL 293(1) - FAIL TO KEEP A WORK DIARY IN VEHICLE	1	\$2,000	\$102
HVNL 296(1) - FAIL TO RECORD IN A WORK DIARY IN THE MANNER AND AT THE TIME AS PRESCRIBED BY THE HEAVY VEHICLE	1	\$264	\$0
HVNL 297(2) - FAIL TO RECORD THE REQUIRED INFORMATION IMMEDIATELY AFTER STARTING WORK ON A DAY AND AS PRESCRIBED	2	\$1,325	\$250
HVNL 301 - FAIL TO RECORD INFORMATION IN WRITTEN WORK DIARY	1	\$1,500	\$250
HVNL 325(1) - FALSE OR MISLEADING ENTRIES IN WORK DIARY	127	\$1,426	\$262
HVNL 329 - DEFACE OR CHANGE WORK RECORDS	1	\$900	\$306
HVNL 701(1) - FALSE OR MISLEADING STATEMENT	2	\$3,782	\$250
HVNL 702(1) - FALSE OR MISLEADING DOCUMENT	6	\$1,388	\$250
HVNL 96(1) - EXCEED AXLE/AXLE GROUP MASS LIMIT - 110-119% OF PRESCRIBED MASS LIMIT - SUBSTANTIAL RISK BREACH	5	\$434	\$82
HVNL 96(1) - EXCEED AXLE/AXLE GROUP MASS LIMIT - 120-124% OF PRESCRIBED MASS LIMIT - SEVERE RISK BREACH	37	\$1,941	\$248
HVNL 96(1) - EXCEED AXLE/AXLE GROUP MASS LIMIT - 125-129% OF PRESCRIBED MASS LIMIT - SEVERE RISK BREACH	20	\$1,453	\$131
HVNL 96(1) - EXCEED AXLE/AXLE GROUP MASS LIMIT - 130-134% OF PRESCRIBED MASS LIMIT - SEVERE RISK BREACH	8	\$2,875	\$75
HVNL 96(1) - EXCEED AXLE/AXLE GROUP MASS LIMIT - 135-139% OF PRESCRIBED MASS LIMIT - SEVERE RISK BREACH	6	\$5,683	\$218
HVNL 96(1) - EXCEED AXLE/AXLE GROUP MASS LIMIT - 140-144% OF PRESCRIBED MASS LIMIT - SEVERE RISK BREACH	2	\$1,500	\$0
HVNL 96(1) - EXCEED AXLE/AXLE GROUP MASS LIMIT - 145-149% OF PRESCRIBED MASS LIMIT - SEVERE RISK BREACH	2	\$4,750	\$176
HVNL 96(1) - EXCEED GROSS MASS LIMIT - 125-129% OF PRESCRIBED MASS LIMIT - SEVERE RISK BREACH	10	\$1,900	\$124
HVNL 96(1) - EXCEED GROSS MASS LIMIT - 101-109% OF PRESCRIBED MASS LIMIT - MINOR RISK BREACH	2	\$1,500	\$0
HVNL 96(1) - EXCEED GROSS MASS LIMIT - 110-119% OF PRESCRIBED MASS LIMIT - SUBSTANTIAL RISK BREACH	3	\$804	\$136
HVNL 96(1) - EXCEED GROSS MASS LIMIT - 120-124% OF PRESCRIBED MASS LIMIT - SEVERE RISK BREACH	16	\$1,475	\$451
HVNL 96(1) - EXCEED GROSS MASS LIMIT - 130-134% OF PRESCRIBED MASS LIMIT - SEVERE RISK BREACH	5	\$3,560	\$161
HVNL 96(1) - EXCEED GROSS MASS LIMIT - 140-144% OF PRESCRIBED MASS LIMIT - SEVERE RISK BREACH	1	\$3,500	\$102
Please Select	587	\$1,603	\$108
RSA 174(1) - EXCEED GROSS VEHICLE MASS (Operator)	3	\$2,000	\$250
RSA 30(1) - DRIVE WHILST DISQUALIFIED	11	\$1,309	\$250
RSA 30(1) - DRIVE WHILST SUSPENDED	8	\$851	\$214
RT(VR)R 128(3) - UNREGISTERED VEHICLE	5	\$440	\$82
RTA 117(2) - DRIVE IN A MANNER DANGEROUS	1	\$0	\$0
RTA 54(5)(a)(i) - DRIVE WHILST SUSPENDED	4	\$250	\$77
RTA Schedule 2 Clause 11(1) - FAIL TO NOTIFY CHANGE OF OWNERSHIP OF VEHICLE	1	\$0	\$0
(blank)	200	\$1,806	\$227
Grand total	1564	\$3,245	\$185

From: [Josie Maule](#)
To: [Parry Serafim](#)
Cc: [Aaron de Rozario](#); [Paul Daly](#)
Subject: FW: NHVR Infringements Data [SEC=UNCLASSIFIED]
Date: Tuesday, 26 April 2022 7:58:15 PM

Hi Parry

Sorry for the delay in getting you this breakdown of the NHVR's on-road intercepts, offences detected, fines issued, warnings issued and education by location (metro – Adelaide, Canberra, Port Melbourne; regional – Ballarat, Bendigo, Berri, Burnie, Ceduna, Geelong, Launceston, Mildura, Mount Gambier, Murray Bridge, Port Augusta, Shepparton, Traralgon):

Year	Breakdown of On Road Intercepts by regional / metro location (NHVR Only)	
2020 / 2021	Total intercepts	37,984
	Total offences detected	11,377
	• Metro	• 4,034
	• Regional	• 7,304
	Fines issued	6,360
	• Metro	• 2,655
	• Regional	• 3,681
	Caution or warning notice	4,485
	• Metro	• 1,161
	• Regional	• 3,333
	Education	6,693
	• Metro	• 1,854
	• Regional	• 4,813

Breakdown by offence types:

Year	Breakdown of On Road Intercepts (NHVR Only)	
2020 / 2021	Total intercepts	37,984
	Total offences detected	11,377
	Fines issued	6,360
	• Accreditation	• 9
	• Dimension	• 220
	• Fatigue	• 1,011
	• Loading	• 1,076
	• Mass	• 695
	• Mechanical	• 191
	• Permit (off-route)	• 696
	• Powers	• 56
	• State based (ie Road Rules or registration)	• 2,422
	Caution or warning notice	4,485
	• Accreditation	• 7
	• Dimension	• 111
• Fatigue	• 1,427	
• Loading	• 1,101	

Mass	174
• Mechanical	• 99
• Permit (off-route)	• 393
• Powers	• 15
• State based (ie Road Rules or registration)	• 1,158
Education	6,693

Finally, with respect to additional prosecution statistics re conviction rates and acquittals / dismissals – we have been advised there are not resources at the moment to create an accurate report including this information, as the additional detail requested varies between jurisdictions.

NHVR Prosecutions **can** state that the vast majority (meaning 95%+) of prosecutions result in a finding of guilt (and a finding of guilt is defined as a conviction under the HVNL). There is only one matter the team are aware of which has been dismissed / led to an acquittal.

We are working to pull together the NHVAS information you requested.

Trust this of assistance.

Cheers,

Josie

From: Josie Maule

Sent: Thursday, 31 March 2022 4:27 PM

To: Parry Serafim <pserafim@ntc.gov.au>

Cc: Aaron de Rozario <aderozario@ntc.gov.au>; Paul Daly <Paul.Daly@nhvr.gov.au>

Subject: RE: NHVR Infringements Data [SEC=UNCLASSIFIED]

Hi Parry

Updated with off route:

Year	Breakdown of On Road Intercepts (NHVR Only)	
2020 / 2021	Total intercepts	37,984
	Total offences detected	11,377
	Fines issued	6,360
	• Accreditation	• 9
	• Dimension	• 220
	• Fatigue	• 1,011
	• Loading	• 1,076
	• Mass	• 695
	• Mechanical	• 191
	• Permit (off-route)	• 696
• Powers	• 56	
• State based (ie Road Rules or registration)	• 2,422	

Caution or warning notice	4,485
• Accreditation	• 7
• Dimension	• 111
• Fatigue	• 1,427
• Loading	• 1,101
• Mass	• 174
• Mechanical	• 99
• Permit (off-route)	• 393
• Powers	• 15
• State based (ie Road Rules or registration)	• 1,158
Education	6,693

By offence category:

Year	Breakdown of On Road Intercepts (NHVR Only)	
2020 / 2021	Total intercepts	37,984
	Total offences detected	11,377
	Fines issued	6,360
	• Accreditation	• 9
	• Dimension	• 220
	• Fatigue	• 1,011
	• Loading	• 1,076
	• Mass	• 695
	• Mechanical	• 191
	• Permit	• 696
• Powers	• 56	
• State based (ie Road Rules or registration)	• 2,422	
	Caution or warning notice	4,485
	Education	6,693

I'm chasing you some data on metro vs regional intercepts, and Olivia is pulling together more detail on prosecutions per Wednesday.

Regarding our conversation on Wednesday around police data, I've had a chat with relevant colleagues and the conclusion is as expected. The NHVR has a LOT of trouble getting this type of data from our police counterparts and I'm not sure we have anything relevant I could provide. Suggest we'd need to go to them each specifically. Very sorry!

Let me know if I can chase anything else – happy to follow the rabbit burrow if you think of something else that may assist.

Jos

Josie Maule
Manager Policy

Regulatory Policy and Standards
National Heavy Vehicle Regulator

P: 07 3332 8919 | E: josie.maule@nhvr.gov.au
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Gasworks | Level 3, 76 Skyring Terrace | Newstead QLD 4006
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From: Parry Serafim <pserafim@ntc.gov.au>
Sent: Thursday, 31 March 2022 8:47 AM
To: Josie Maule <Josie.Maule@nhvr.gov.au>; aderozario <aderozario@ntc.gov.au>
Cc: Paul Daly <Paul.Daly@nhvr.gov.au>
Subject: RE: NHVR Infringements Data [SEC=UNCLASSIFIED]

Thanks Josie.

Great data. If you could break down by offence category that would be great, but also if you had information regarding metro vs regional intercepts that would be valuable also to better understand the spread of where offences are occurring. The problem with data is once you find some, you want more.

Parry

Parry Serafim
Head of Heavy Vehicle National Law

☐ 03 9236 5051 ☐ ntc.gov.au
Level 3, 600 Bourke Street | Melbourne VIC 3000



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From: Josie Maule <Josie.Maule@nhvr.gov.au>
Sent: Wednesday, 30 March 2022 4:44 PM
To: Aaron de Rozario <aderozario@ntc.gov.au>; Parry Serafim <pserafim@ntc.gov.au>
Cc: Paul Daly <Paul.Daly@nhvr.gov.au>
Subject: NHVR Infringements Data

Hi Aaron

Please find below stats for the full 2020 and 2021 calendar years. This doesn't include off route offences, which I have now requested for the same period.

Year	Breakdown of On Road Intercepts (NHVR Only)	
2020 / 2021	Total intercepts	37,984
	Total offences detected	11,377
	Fines issued	6,390
	Caution or warning notice	4,485
	Education	6,693

Please note also that there was one EWD offence only during the above period and this was dealt with by way of a caution – no fine was issued.

Would you like us to break this down by offence category?

Cheers,

Josie Maule

Manager Policy

Regulatory Policy and Standards

National Heavy Vehicle Regulator

P: 07 3332 8919 | E: josie.maule@nhvr.gov.au

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