

National Heavy Vehicle Law – 2018/2019 – Court imposed Infringements and Penalties

Chapter 6	Section Excerpt Vehicle Operations – Driver Fatigue	Penalty Level	Max Penalty	Infringement Penalty	Demerit Points
Chapter 6	293 (1) Driver of fatigue-regulated heavy vehicle must carry work diary – The driver of a fatigue-regulated heavy vehicle must – keep a work diary; and ensure— the driver’s work diary records the information required to be recorded under Subdivision 2 for each day in the previous 28 days; and the driver’s work diary is in the driver’s possession while the driver is driving the vehicle.		6740	674	
Chapter 6	296 (1) Recording information under the national regulations—general – The driver must record the required information in the driver’s work diary in the manner and at the time prescribed by the national regulations. (2) Subsection (1) does not apply to information to which section 297 applies		1680	168	
Chapter 6	297 (2) Information required to be recorded immediately after starting work – (1) This section applies to required information that the national regulations specify for the purposes of this section as required to be recorded immediately after the driver starts work on a day. (2) The driver must record the required information to which this section applies immediately after starting work on a day.		6740	674	
Chapter 6	298 (1) Failing to record information about odometer reading – The driver of a fatigue-regulated heavy vehicle must record the odometer reading in the manner prescribed by the national regulations if and when required to do so by the national regulations		1680	168	
Chapter 6	299 Two-up driver to provide details – If the driver is a party to a two-up driving arrangement, the driver must, at the request of the other driver (the other driver) who is a party to the arrangement, provide the other driver with the details relating to the arrangement that are prescribed by the national regulations for the purposes of this section.		3360	336	
Chapter 6	301 Recording information in written work diary - If the driver's work diary is a written work diary, the driver must record information in the work diary in the following way - (a) the information for each day must be written on a separate daily sheet in the work diary that has not been cancelled by the Regulator; (b) if, on a day, the driver changes the work and rest hours operation under which the driver is working, the information for the part of the day after the change must be written on a separate daily sheet in the work diary that has not been cancelled by the Regulator; (c) information must be written on a daily sheet in the way stated in the instructions in the work diary for recording information on daily sheets; (d) the daily sheets in the work diary must be used in turn from the front of the work diary; (e) each daily sheet must be - (i) signed and dated by the		1680	168	

	driver; and (ii) if the driver under a two-up driving arrangement - signed by the other driver who is a party to the arrangement; (F) information must be written on a daily sheet with enough pressure to ensure a readable record of the information appears on the duplicate daily sheets; (g) information recorded other than on a daily sheet must be written in the work diary in the way stated in the instructions in the work diary for the recording of the information.				
Chapter 6	303 Time zone of driver's base must be used – The driver must record time in the driver's work diary according to the time zone in the place where the driver's base is, rather than the time zone in the place where the driver is.		1680	168	
Chapter 6	305 (1) Driver must make supplementary records in particular circumstances – During any period in which the driver of a fatigue-regulated heavy vehicle is unable to use the driver's work diary (the existing work diary) because of circumstances mentioned in section 304 (a) or (b), the driver must record in a supplementary record the information the driver is required under Subdivision 2 to record for the period (the required information).		6740	674	
Chapter 6	305 (2) Driver must make supplementary records in particular circumstances – For a supplementary record that is not in electronic form, the required information must be recorded in the record as follows— (a) the information for each day must be written on a separate page of the record; (b) if, on a day, the driver changes the work and rest hours option under which the driver is working, the information for the part of the day after the change must be written on a separate page of the record; (c) each page of the record must be— (i) signed and dated by the driver; and (ii) if the driver is driving under a two-up driving arrangement—signed by the other driver who is a party to the arrangement.		3360	336	
Chapter 6	305 (3) Driver must make supplementary records in particular circumstances – The driver must record time in the supplementary record according to the time zone in the place where the driver's base is, rather than the time zone in the place where the driver is.		1680	168	
Chapter 6	306 Driver must notify Regulator if written work diary filled up etc – Within 2 business days after the driver of a fatigue regulated heavy vehicle becomes aware that the driver's written work diary has been filled up, destroyed, lost or stolen, the driver must give the Regulator notice, in the approved form, of that happening.		3360	336	
Chapter 6	307(2) Driver who is record keeper must notify Regulator if electronic work diary filled up etc – The driver must notify the Regulator, in the approved form, of the matter within 2 business days.		3360	336	
Chapter 6	307 (3) Driver who is the record keeper must notify Regulator if electronic work diary filled up etc. – Within a period required by the Regulator, the driver must ensure the electronic work diary is examined and		3360	336	

Chapter 6	308 (1) What driver must do if lost or stolen written work diary found or returned – If a lost or stolen written work diary (the old work diary) is found by or returned to the driver of a fatigue-regulated heavy vehicle after a replacement work diary has been issued to the driver, the driver must do the following— immediately cancel any unused daily sheets in the old work diary; if the old work diary is found or returned within 28 days after it was lost or stolen—immediately notify the Regulator in the approved form that it has been found or returned; and give it to the Regulator within 2 business days after the 28-day period ends; if the old work diary is found or returned later than 28 days after it was lost or stolen—give it to the Regulator as soon as practicable after it is found or returned.		3360	336	
Chapter 6	309 (2) Driver must notify record keeper if electronic work diary filled up etc. – The driver must, within 2 business days after the driver becomes aware of the matter, inform the driver’s record keeper of the matter.		3360	336	
Chapter 6	310 (2) Intelligent access reporting entity must notify record keeper if approved electronic recording system malfunctioning – The intelligent access reporting entity must inform the driver’s record keeper of the matter within 2 business days.		6740	674	
Chapter 6	325 (1) False or misleading entries – A person must not record something in a work record that the person knows, or ought reasonably to know, is false or misleading in a material particular.		11,210		
Chapter 6	326 (1) Keeping 2 work diaries simultaneously prohibited – The driver of a fatigue-regulated heavy vehicle must not have in the driver’s possession more than 1 written work diary in which information can be recorded on a daily sheet.		11,210		
Chapter 6	326 (2) Keeping 2 work diaries simultaneously prohibited – The driver of a fatigue-regulated heavy vehicle must not record information for the same period in— a written work diary and an electronic work diary; or more than 1 electronic work diary		11,210		
Chapter 6	328 False representation about work records prohibited – A person must not falsely represent that a work record was made by the person.		11,210		
Chapter 6	329 Defacing or changing work records etc. prohibited – A person must not deface or change a work record that the person knows, or ought reasonably to know, is correct.		11,210		
Chapter 6	330 (1) Making entries in someone else’s work records prohibited – A person must not make an entry in someone else’s work record.		11,210		
Chapter 6	331 Destruction of particular work records prohibited – If a work record is required under this Part to be kept for a particular period by a person, the person or someone else must not destroy the record before the end of the period.		11,210		

Chapter 6	332 Offence to remove pages from written work diary – A person must not remove a daily sheet, or the copies of a daily sheet, from a written work diary except as required or authorised by this Law or a corresponding fatigue law.		11,210		
Chapter 6	335 (1) Person must not tamper with approved electronic recording system – A person must not tamper with an approved electronic recording system		11,210		
Chapter 6	398 (2) What owner must do if odometer malfunctioning – The owner must, as soon as reasonably practicable after being informed of the matter, ensure the odometer is examined and brought into working order.		\$6740	674	