



New South Wales

# Heavy Vehicle (Adoption of National Law) Amendment (Penalties) Regulation 2019

under the

Heavy Vehicle (Adoption of National Law) Act 2013

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Heavy Vehicle (Adoption of National Law) Act 2013*.

ANDREW CONSTANCE, MP  
Minister for Transport and Roads

## Explanatory note

The object of this Regulation is to increase the penalty for offences against the *Heavy Vehicle National Law (NSW)*, the *Heavy Vehicle (Fatigue Management) National Regulation (NSW)* and the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)* to ensure national consistency in the amount of penalty payable for offences dealt with by way of infringement notice.

This Regulation is made under the *Heavy Vehicle (Adoption of National Law) Act 2013*, including sections 12 (6) and 28 (the local regulation-making power).

## **Heavy Vehicle (Adoption of National Law) Amendment (Penalties) Regulation 2019**

under the

Heavy Vehicle (Adoption of National Law) Act 2013

### **1 Name of Regulation**

This Regulation is the *Heavy Vehicle (Adoption of National Law) Amendment (Penalties) Regulation 2019*.

### **2 Commencement**

This Regulation commences on 1 July 2019 and is required to be published on the NSW legislation website.

## **Schedule 1 Amendment of Heavy Vehicle (Adoption of National Law) Regulation 2013**

**[1] Clause 3 Prescribed offences and penalties for infringement notices**

Omit the clause.

**[2] Schedule 1**

Omit the Schedule. Insert instead:

### **Schedule 1 Infringement notices under section 591 of Heavy Vehicle National Law (NSW)**

- (1) For the purposes of section 591 of the *Heavy Vehicle National Law (NSW)*:
- (a) each offence specified in this Schedule is an offence for which an infringement notice may be issued, and
  - (b) the amount payable under any such infringement notice is the amount specified in this Schedule for the offence.
- (2) A reference in this Schedule to a minor risk breach or substantial risk breach in relation to an offence is a reference to a minor risk breach or substantial risk breach in relation to the offence within the meaning of the *Heavy Vehicle National Law (NSW)*.

| <b>Column 1</b>                                                                                  | <b>Column 2</b> |
|--------------------------------------------------------------------------------------------------|-----------------|
| <b>Provision</b>                                                                                 | <b>Penalty</b>  |
| <b>Offences under Heavy Vehicle National Law (NSW)</b>                                           |                 |
| Section 25A (1)                                                                                  | \$336           |
| Section 25A (2)                                                                                  | \$336           |
| Section 60 (1)—except in the circumstances referred to in paragraph (b) of the penalty provision | \$336           |
| Section 60 (1)—in the circumstances referred to in paragraph (b) of the penalty provision        | \$674           |
| Section 79 (2)                                                                                   | \$447           |
| Section 81 (1)                                                                                   | \$447           |
| Section 81 (2)                                                                                   | \$447           |
| Section 81 (3)                                                                                   | \$447           |
| Section 82 (2)                                                                                   | \$336           |
| Section 82 (3)                                                                                   | \$336           |
| Section 83 (1)                                                                                   | \$336           |
| Section 83 (2)                                                                                   | \$336           |
| Section 83 (3)                                                                                   | \$336           |
| Section 85 (1)                                                                                   | \$336           |
| Section 85 (2)                                                                                   | \$336           |
| Section 86 (2)                                                                                   | \$336           |
| Section 87A (1)                                                                                  | \$336           |

| <b>Column 1</b>                                                                                                              | <b>Column 2</b> |
|------------------------------------------------------------------------------------------------------------------------------|-----------------|
| <b>Provision</b>                                                                                                             | <b>Penalty</b>  |
| Section 89 (1)                                                                                                               | \$674           |
| Section 90 (1)                                                                                                               | \$336           |
| Section 90 (2)                                                                                                               | \$336           |
| Section 90 (3)                                                                                                               | \$336           |
| Section 92 (2)                                                                                                               | \$336           |
| Section 96 (1)—for a minor risk breach                                                                                       | \$447           |
| Section 96 (1)—for a substantial risk breach                                                                                 | \$674           |
| Section 102 (1)—in the circumstances referred to in paragraph (a) of the penalty provision                                   | \$336           |
| Section 102 (1)—in the circumstances referred to in paragraph (b) of the penalty provision and for a minor risk breach       | \$336           |
| Section 102 (1)—in the circumstances referred to in paragraph (b) of the penalty provision and for a substantial risk breach | \$562           |
| Section 109 (2)                                                                                                              | \$336           |
| Section 111 (1)—for a minor risk breach                                                                                      | \$336           |
| Section 111 (1)—for a substantial risk breach                                                                                | \$562           |
| Section 129 (1)                                                                                                              | \$674           |
| Section 129 (2)                                                                                                              | \$674           |
| Section 129 (3)                                                                                                              | \$674           |
| Section 130 (2)                                                                                                              | \$674           |
| Section 131 (1)                                                                                                              | \$674           |
| Section 132 (2)                                                                                                              | \$336           |
| Section 132 (3)                                                                                                              | \$336           |
| Section 133 (1)                                                                                                              | \$336           |
| Section 133 (2)                                                                                                              | \$447           |
| Section 133 (3)                                                                                                              | \$336           |
| Section 134 (1)                                                                                                              | \$336           |
| Section 134 (2)                                                                                                              | \$336           |
| Section 137                                                                                                                  | \$674           |
| Section 150 (1)                                                                                                              | \$674           |
| Section 151 (2)                                                                                                              | \$336           |
| Section 151 (3)                                                                                                              | \$336           |
| Section 152 (1)                                                                                                              | \$336           |
| Section 152 (2)                                                                                                              | \$447           |
| Section 152 (3)                                                                                                              | \$336           |
| Section 153A (1)                                                                                                             | \$674           |
| Section 181 (3)                                                                                                              | \$447           |
| Section 184 (1)                                                                                                              | \$336           |

| <b>Column 1</b>                               | <b>Column 2</b> |
|-----------------------------------------------|-----------------|
| <b>Provision</b>                              | <b>Penalty</b>  |
| Section 185 (1)                               | \$674           |
| Section 185 (2)                               | \$674           |
| Section 190 (1)                               | \$674           |
| Section 191 (1)                               | \$674           |
| Section 191 (3)                               | \$674           |
| Section 192 (1)                               | \$674           |
| Section 192 (2)                               | \$336           |
| Section 250 (1)—for a minor risk breach       | \$447           |
| Section 250 (1)—for a substantial risk breach | \$674           |
| Section 251 (1)—for a minor risk breach       | \$447           |
| Section 251 (1)—for a substantial risk breach | \$674           |
| Section 254 (1)—for a minor risk breach       | \$447           |
| Section 254 (1)—for a substantial risk breach | \$674           |
| Section 256 (1)—for a minor risk breach       | \$447           |
| Section 256 (1)—for a substantial risk breach | \$674           |
| Section 258 (1)—for a minor risk breach       | \$447           |
| Section 258 (1)—for a substantial risk breach | \$674           |
| Section 260 (1)—for a minor risk breach       | \$447           |
| Section 260 (1)—for a substantial risk breach | \$674           |
| Section 263 (1)                               | \$447           |
| Section 284 (2)                               | \$674           |
| Section 286 (1)                               | \$674           |
| Section 287 (2)                               | \$336           |
| Section 287 (3)                               | \$336           |
| Section 288 (1)                               | \$336           |
| Section 288 (2)                               | \$447           |
| Section 288 (3)                               | \$336           |
| Section 293 (1)                               | \$674           |
| Section 296 (1)                               | \$168           |
| Section 297 (2)                               | \$674           |
| Section 298 (1)                               | \$168           |
| Section 299                                   | \$336           |
| Section 301                                   | \$168           |
| Section 302                                   | \$168           |
| Section 303                                   | \$168           |
| Section 305 (1)                               | \$674           |

| <b>Column 1</b>  | <b>Column 2</b> |
|------------------|-----------------|
| <b>Provision</b> | <b>Penalty</b>  |
| Section 305 (2)  | \$336           |
| Section 305 (3)  | \$168           |
| Section 306      | \$336           |
| Section 307 (2)  | \$336           |
| Section 307 (3)  | \$336           |
| Section 308 (1)  | \$336           |
| Section 309 (2)  | \$336           |
| Section 310 (2)  | \$674           |
| Section 312 (3)  | \$674           |
| Section 319 (1)  | \$674           |
| Section 319A (2) | \$336           |
| Section 321 (1)  | \$674           |
| Section 321 (3)  | \$674           |
| Section 322 (2)  | \$336           |
| Section 323 (2)  | \$336           |
| Section 324 (2)  | \$336           |
| Section 324A (2) | \$168           |
| Section 341 (1)  | \$674           |
| Section 341 (2)  | \$674           |
| Section 341 (3)  | \$336           |
| Section 341 (4)  | \$336           |
| Section 341 (5)  | \$674           |
| Section 341 (7)  | \$168           |
| Section 354 (3)  | \$674           |
| Section 354 (5)  | \$674           |
| Section 355 (2)  | \$674           |
| Section 355 (4)  | \$674           |
| Section 355 (6)  | \$674           |
| Section 373 (2)  | \$674           |
| Section 375      | \$674           |
| Section 376 (2)  | \$336           |
| Section 376 (3)  | \$336           |
| Section 377      | \$336           |
| Section 392 (2)  | \$674           |
| Section 395      | \$674           |
| Section 396 (2)  | \$674           |

| <b>Column 1</b>                                                                             | <b>Column 2</b> |
|---------------------------------------------------------------------------------------------|-----------------|
| <b>Provision</b>                                                                            | <b>Penalty</b>  |
| Section 399 (2)                                                                             | \$674           |
| Section 466 (2A)                                                                            | \$336           |
| Section 466 (2B)                                                                            | \$336           |
| Section 467                                                                                 | \$674           |
| Section 468 (1)                                                                             | \$336           |
| Section 468 (3)                                                                             | \$336           |
| Section 469 (2)                                                                             | \$447           |
| Section 470 (3)                                                                             | \$674           |
| Section 470 (8)                                                                             | \$336           |
| Section 471 (2)                                                                             | \$674           |
| Section 471 (3)                                                                             | \$447           |
| Section 476 (2)                                                                             | \$674           |
| Section 488                                                                                 | \$447           |
| Section 513 (4)                                                                             | \$674           |
| Section 514 (3)                                                                             | \$674           |
| Section 516 (3)                                                                             | \$674           |
| Section 517 (4)                                                                             | \$674           |
| Section 522 (5)                                                                             | \$674           |
| Section 524 (5)                                                                             | \$674           |
| Section 526 (4)                                                                             | \$336           |
| Section 528 (3)                                                                             | \$336           |
| Section 529                                                                                 | \$674           |
| Section 531 (4)                                                                             | \$336           |
| Section 531A (4)                                                                            | \$336           |
| Section 531A (5)                                                                            | \$336           |
| Section 533 (7)                                                                             | \$1,121         |
| Section 534 (5)                                                                             | \$1,121         |
| Section 567 (4)                                                                             | \$336           |
| Section 568 (3)—for a failure to produce a work diary or driver licence for inspection      | \$674           |
| Section 568 (3)—for a failure to produce any other document, device or thing for inspection | \$336           |
| Section 568 (7)                                                                             | \$336           |
| Section 569 (2)                                                                             | \$674           |
| Section 569 (7)                                                                             | \$336           |
| <b>Offences under Heavy Vehicle (Fatigue Management) National Regulation (NSW)</b>          |                 |
| Section 18A (1)                                                                             | \$168           |

| <b>Column 1</b>                                                                             | <b>Column 2</b> |
|---------------------------------------------------------------------------------------------|-----------------|
| <b>Provision</b>                                                                            | <b>Penalty</b>  |
| <b>Offences under Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)</b> |                 |
| Section 16 (2)                                                                              | \$336           |
| Section 28                                                                                  | \$336           |
| Section 34 (2)                                                                              | \$447           |