

Heavy Vehicle (Adoption of National Law) Regulation 2013

[2014-55]



New South Wales

Status Information

Currency of version

Current version for 1 July 2018 to date (accessed 15 August 2018 at 02:08).

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced. See [Historical notes](#)

Does not include amendments by:

Heavy Vehicle (Adoption of National Law) Amendment (Penalties) Regulation 2018 (353), Sch 1 [2]–[5] (not commenced — Sch 1 [2] [3] and [5] to commence on the commencement of Chapter 2 of the *Heavy Vehicle National Law and Other Legislation Amendment Act 2016* of Queensland; Sch 1 [4] to commence on the commencement of sec 23 of the *Heavy Vehicle National Law and Other Legislation Amendment Act 2018* of Queensland)

Staged repeal status

This legislation is currently due to be automatically repealed under the *Subordinate Legislation Act 1989* on 1 September 2019

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the *Interpretation Act 1987*.

File last modified 1 July 2018.

Heavy Vehicle (Adoption of National Law) Regulation 2013

[2014-55]



New South Wales

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Heavy Vehicle (Adoption of National Law) Regulation 2013



New South Wales

1 Name of Regulation

This Regulation is the *Heavy Vehicle (Adoption of National Law) Regulation 2013*.

2 Definitions

(1) In this Regulation:

the Act means the *Heavy Vehicle (Adoption of National Law) Act 2013*.

Note. The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

3 Prescribed offences and penalties for infringement notices

(1) For the purposes of section 591 of the *Heavy Vehicle National Law (NSW)*:

- (a) each offence created by a provision specified in Column 1 of Schedule 1 is prescribed, and
- (b) the penalty prescribed for each such offence is the amount specified opposite the provision in Column 2 of the Schedule.

(2) If the reference to a provision in Column 1 of Schedule 1 is qualified by words that restrict its operation to specified kinds of offences, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or committed in the circumstances so specified.

(3) A reference in Column 2 of Schedule 1 to a minor risk breach or substantial risk breach in relation to an offence against a provision specified in Column 1 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)*.

Schedule 1 Prescribed offences and penalties for section 591 of *Heavy Vehicle National Law (NSW)*

(Clause 3)

Column 1	Column 2
Provision	Penalty
Offences under <i>Heavy Vehicle National Law (NSW)</i>	

Section 60 (1) (except in the circumstances referred to in paragraph (b) of the penalty provision)	\$330
Section 60 (1) (in the circumstances referred to in paragraph (b) of the penalty provision)	\$661
Section 79 (2)	\$439
Section 81 (1)	\$439
Section 81 (2)	\$439
Section 81 (3)	\$439
Section 82 (2)	\$330
Section 82 (3)	\$330
Section 83 (1)	\$330
Section 83 (2)	\$330
Section 83 (3)	\$330
Section 85 (1)	\$330
Section 85 (2)	\$330
Section 86 (2)	\$330
Section 87A (1)	\$330
Section 89 (1)	\$661
Section 90 (1)	\$330
Section 90 (2)	\$330
Section 90 (3)	\$330
Section 92 (2)	\$330
Section 96 (1)	\$439 (for a minor risk breach) \$661 (for a substantial risk breach)
Section 102 (1) (in the circumstances referred to in paragraph (a) of the penalty provision)	\$330
Section 102 (1) (in the circumstances referred to in paragraph (b) of the penalty provision)	\$330 (for a minor risk breach) \$551 (for a substantial risk breach)
Section 109 (2)	\$330
Section 111 (1)	\$330 (for a minor risk breach) \$551 (for a substantial risk breach)
Section 129 (1)	\$661
Section 129 (2)	\$661
Section 129 (3)	\$661
Section 130 (2)	\$661
Section 130 (3)	\$661
Section 131 (1)	\$661
Section 132 (2)	\$330

Section 132 (3)	\$330
Section 133 (1)	\$330
Section 133 (2)	\$439
Section 133 (3)	\$330
Section 134 (1)	\$330
Section 134 (2)	\$330
Section 137	\$661
Section 150 (1)	\$661
Section 151 (2)	\$330
Section 151 (3)	\$330
Section 152 (1)	\$330
Section 152 (2)	\$439
Section 152 (3)	\$330
Section 153 (1)	\$330
Section 153 (2)	\$330
Section 153A (1)	\$661
Section 181 (3)	\$439
Section 183 (2) (in relation to an offence against section 96)	\$439 (for a minor risk breach) \$661 (for a substantial risk breach)
Section 183 (2) (in relation to an offence against section 102)	\$330 (for a heavy vehicle that does not have goods or passengers) \$330 (for a minor risk breach) \$551 (for a substantial risk breach)
Section 183 (2) (in relation to an offence against section 111)	\$330 (for a minor risk breach) \$551 (for a substantial risk breach)
Section 184 (1)	\$330
Section 185 (1)	\$661
Section 185 (2)	\$661
Section 190 (1)	\$661
Section 191 (1)	\$661
Section 191 (3)	\$661
Section 192 (1)	\$661
Section 192 (2)	\$330
Section 219 (1):	
(a) in the circumstances referred to in paragraph (a) of the penalty provision, or	\$330
(b) in the circumstances referred to in paragraph (b) (i) of the penalty provision, or	\$330

- (c) in the circumstances referred to in paragraph (b) (ii) \$551 of the penalty provision, or
- (d) in the circumstances referred to in paragraph (c) (i) of \$330 the penalty provision, or
- (e) in the circumstances referred to in paragraph (c) (ii) \$551 of the penalty provision, or
- (f) in the circumstances referred to in paragraph (d) (i) of \$551 the penalty provision, or
- (g) in the circumstances referred to in paragraph (e) (i) of \$551 the penalty provision.

Section 250 (1)	\$439 (for a minor risk breach) \$661 (for a substantial risk breach)
Section 251 (1)	\$439 (for a minor risk breach) \$661 (for a substantial risk breach)
Section 254 (1)	\$439 (for a minor risk breach) \$661 (for a substantial risk breach)
Section 256 (1)	\$439 (for a minor risk breach) \$661 (for a substantial risk breach)
Section 258 (1)	\$439 (for a minor risk breach) \$661 (for a substantial risk breach)
Section 260 (1)	\$439 (for a minor risk breach) \$661 (for a substantial risk breach)
Section 263 (1)	\$439
Section 284 (2)	\$661
Section 286 (1)	\$661
Section 287 (2)	\$330
Section 287 (3)	\$330
Section 288 (1)	\$330
Section 288 (2)	\$439
Section 288 (3)	\$330
Section 293 (1)	\$661
Section 296 (1)	\$165
Section 297 (2)	\$661
Section 298 (1)	\$165
Section 299	\$330
Section 301	\$165
Section 302	\$165
Section 303	\$165
Section 305 (1)	\$661

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Section 305 (2)	\$330
Section 305 (3)	\$165
Section 306	\$330
Section 307 (2)	\$330
Section 307 (3)	\$330
Section 308 (1)	\$330
Section 309 (2)	\$330
Section 310 (2)	\$661
Section 312 (3)	\$661
Section 319 (1)	\$661
Section 321 (1)	\$661
Section 321 (3)	\$661
Section 322 (2)	\$330
Section 323 (2)	\$330
Section 324A (2)	\$165
Section 341 (1)	\$661
Section 341 (2)	\$661
Section 341 (3)	\$330
Section 341 (4)	\$330
Section 341 (7)	\$165
Section 354 (3)	\$661
Section 354 (5)	\$661
Section 355 (2)	\$661
Section 355 (4)	\$661
Section 355 (6)	\$661
Section 373 (2)	\$661
Section 375	\$661
Section 376 (2)	\$330
Section 376 (3)	\$330
Section 377	\$330
Section 392 (2)	\$661
Section 395	\$661
Section 396 (2)	\$661
Section 399 (2)	\$661
Section 466 (2A)	\$330
Section 466 (2B)	\$330

Section 467	\$661
Section 468 (1)	\$330
Section 468 (3)	\$330
Section 469 (2)	\$439
Section 470 (3)	\$661
Section 470 (8)	\$330
Section 471 (2)	\$661
Section 471 (3)	\$439
Section 476 (2)	\$661
Section 488	\$439
Section 513 (4)	\$661
Section 514 (3)	\$661
Section 516 (3)	\$661
Section 517 (4)	\$661
Section 522 (5)	\$661
Section 524 (5)	\$661
Section 526 (4)	\$330
Section 528 (3)	\$330
Section 529	\$661
Section 531 (4)	\$330
Section 531A (4)	\$330
Section 531A (5)	\$330
Section 533 (7)	\$1,100
Section 534 (5)	\$1,100
Section 567 (4)	\$330
Section 568 (3) (for a failure to produce a work diary for inspection)	\$661
Section 568 (3) (for a failure to produce any other document, device or thing for inspection)	\$330
Section 568 (7)	\$330
Section 569 (2)	\$661
Section 569 (7)	\$330
Offences under <i>Heavy Vehicle (Fatigue Management) National Regulation (NSW)</i>	
Section 18A (1)	\$165
Offences under <i>Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)</i>	
Section 16 (2)	\$330

Section 28	\$330
Section 34 (2)	\$400

Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
Cll	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

Table of amending instruments

Heavy Vehicle (Adoption of National Law) Regulation 2013 (2014-55). Enacted as Sch 4 to the *Heavy Vehicle (Adoption of National Law) Amendment Act 2013* No 71. Date of commencement, 10.2.2014, sec 3 of the *Heavy Vehicle (Adoption of National Law) Amendment Act 2013* and 2014 (24) LW 7.2.2014. This Regulation has been amended as follows:

2014	(407)	<i>Heavy Vehicle (Adoption of National Law) Amendment (Penalties) Regulation 2014</i> . LW 27.6.2014. Date of commencement, 1.7.2014, cl 2.
2015	(326)	<i>Heavy Vehicle (Adoption of National Law) Amendment (Penalties) Regulation 2015</i> . LW 26.6.2015. Date of commencement, 1.7.2015, cl 2.
2016	(56)	<i>Heavy Vehicle (Adoption of National Law) Amendment (Penalties) Regulation 2016</i> . LW 5.2.2016. Date of commencement, 6.2.2016, cl 2.
	(325)	<i>Heavy Vehicle (Adoption of National Law) Amendment (Penalties) Regulation (No 2) 2016</i> . LW 17.6.2016. Date of commencement, 1.7.2016, cl 2.
2017	(311)	<i>Heavy Vehicle (Adoption of National Law) Amendment (Penalties) Regulation 2017</i> . LW 30.6.2017. Date of commencement, 1.7.2017, cl 2.
2018	(353)	<i>Heavy Vehicle (Adoption of National Law) Amendment (Penalties) Regulation 2018</i> . LW 29.6.2018. Date of commencement of Sch 1 [1], 1.7.2018, cl 2 (1); date of commencement of Sch 1 [2]–[5]: not in force.

Table of amendments

Sch 1	Subst 2014 (407), Sch 1; 2015 (326), Sch 1. Am 2016 (56), Sch 1. Subst 2016 (325), Sch 1; 2017 (311), Sch 1; 2018 (353), Sch 1 [1].
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