



New South Wales

# Heavy Vehicle (Adoption of National Law) Amendment (Penalties) Regulation 2014

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*.

DUNCAN GAY, MLC  
Minister for Roads and Freight

## Explanatory note

The object of this Regulation is to increase the penalties payable for infringement notice offences, being offences against the *Heavy Vehicle National Law (NSW)* and the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)*, for which an infringement notice (also called a penalty notice) may be issued under the Heavy Vehicle National Law.

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 2014**

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 2014*.

### **2 Commencement**

This Regulation commences on 1 July 2014 and is required to be published on the NSW legislation website.

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

### **Schedule 1**

Omit the Schedule. Insert instead:

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

(Clause 3)

<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Penalty</b>
<b>Offences under Heavy Vehicle National Law (NSW)</b>	
Section 60 (1) (in the circumstances referred to in paragraph (a) of the penalty provision)	\$307
Section 60 (1) (in the circumstances referred to in paragraph (b) of the penalty provision)	\$615
Section 79 (2)	\$410
Section 81 (1)	\$307
Section 81 (2)	\$307
Section 81 (3)	\$307
Section 82 (2)	\$307
Section 82 (3)	\$307
Section 83 (1)	\$307
Section 83 (2)	\$307
Section 83 (3)	\$307
Section 85 (1)	\$307
Section 85 (2)	\$307
Section 86 (2)	\$307
Section 89 (1)	\$615
Section 90 (1)	\$307
Section 90 (2)	\$307
Section 90 (3)	\$307
Section 92 (2)	\$307
Section 96 (1)	\$410 (for a minor risk breach) \$615 (for a substantial risk breach)
Section 102 (1) (a)	\$307
Section 102 (1) (b)	\$307 (for a minor risk breach) \$512 (for a substantial risk breach)
Section 109 (2)	\$307

<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Penalty</b>
Section 111 (1)	\$307 (for a minor risk breach) \$512 (for a substantial risk breach)
Section 129 (1)	\$615
Section 129 (2)	\$615
Section 129 (3)	\$615
Section 130 (2)	\$615
Section 130 (3)	\$615
Section 131 (1)	\$615
Section 132 (2)	\$307
Section 132 (3)	\$307
Section 133 (1)	\$307
Section 133 (2)	\$410
Section 133 (3)	\$307
Section 134 (1)	\$307
Section 134 (2)	\$307
Section 137	\$615
Section 150 (1)	\$615
Section 151 (2)	\$307
Section 151 (3)	\$307
Section 152 (1)	\$307
Section 152 (2)	\$410
Section 152 (3)	\$307
Section 153 (1)	\$307
Section 153 (2)	\$307
Section 181 (3)	\$410
Section 183 (2) (in relation to an offence against section 96)	\$410 (for a minor risk breach) \$615 (for a substantial risk breach)
Section 183 (2) (in relation to an offence against section 102)	\$307 (for a heavy vehicle that does not have goods or passengers) \$307 (for a minor risk breach) \$512 (for a substantial risk breach)
Section 183 (2) (in relation to an offence against section 111)	\$307 (for a minor risk breach) \$512 (for a substantial risk breach)
Section 184 (1)	\$307
Section 185 (1)	\$615
Section 185 (2)	\$615
Section 190 (1)	\$615
Section 191 (1)	\$615

<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Penalty</b>
Section 191 (3)	\$615
Section 192 (1)	\$615
Section 192 (2)	\$307
Section 219 (1):	
(a) in the circumstances referred to in paragraph (a) of the penalty provision, or	\$307
(b) in the circumstances referred to in paragraph (b) (i) of the penalty provision, or	\$307
(c) in the circumstances referred to in paragraph (b) (ii) of the penalty provision, or	\$512
(d) in the circumstances referred to in paragraph (c) (i) of the penalty provision, or	\$307
(e) in the circumstances referred to in paragraph (c) (ii) of the penalty provision, or,	\$512
(f) in the circumstances referred to in paragraph (d) (i) of the penalty provision, or	\$512
(g) in the circumstances referred to in paragraph (e) (i) of the penalty provision.	\$512
Section 250 (1)	\$410 (for a minor risk breach) \$615 (for a substantial risk breach)
Section 251 (1)	\$410 (for a minor risk breach) \$615 (for a substantial risk breach)
Section 254 (1)	\$410 (for a minor risk breach) \$615 (for a substantial risk breach)
Section 256 (1)	\$410 (for a minor risk breach) \$615 (for a substantial risk breach)
Section 258 (1)	\$410 (for a minor risk breach) \$615 (for a substantial risk breach)
Section 260 (1)	\$410 (for a minor risk breach) \$615 (for a substantial risk breach)
Section 263 (1)	\$410
Section 284 (2)	\$615
Section 286 (1)	\$615
Section 287 (2)	\$307
Section 287 (3)	\$307
Section 288 (1)	\$307
Section 288 (2)	\$410

<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Penalty</b>
Section 288 (3)	\$307
Section 293 (1)	\$615
Section 296 (1)	\$154
Section 297 (2)	\$307
Section 298 (1)	\$154
Section 299	\$307
Section 301	\$154
Section 302	\$154
Section 303	\$154
Section 305 (1)	\$615
Section 305 (2)	\$307
Section 305 (3)	\$154
Section 306	\$307
Section 307 (2)	\$307
Section 308 (1)	\$307
Section 309 (2)	\$615
Section 310 (2)	\$615
Section 319 (1)	\$615
Section 321 (1)	\$615
Section 321 (2)	\$615
Section 322 (2)	\$307
Section 323 (2)	\$307
Section 341 (1)	\$615
Section 341 (2)	\$615
Section 341 (3)	\$307
Section 341 (4)	\$307
Section 354 (3)	\$615
Section 354 (5)	\$615
Section 355 (2)	\$615
Section 355 (4)	\$615
Section 355 (6)	\$615
Section 373 (2)	\$615
Section 375	\$615
Section 376 (2)	\$307
Section 376 (3)	\$307
Section 377	\$307

<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Penalty</b>
Section 392 (2)	\$615
Section 395	\$615
Section 396 (2)	\$615
Section 399 (2)	\$615
Section 467	\$615
Section 468 (1)	\$307
Section 468 (3)	\$307
Section 469 (2)	\$410
Section 470 (3)	\$615
Section 470 (8)	\$307
Section 471 (2)	\$615
Section 471 (3)	\$410
Section 476 (2)	\$615
Section 488	\$307
Section 513 (4)	\$615
Section 514 (3)	\$615
Section 516 (3)	\$615
Section 517 (4)	\$615
Section 522 (5)	\$615
Section 524 (5)	\$615
Section 526 (4)	\$307
Section 528 (3)	\$307
Section 529	\$307
Section 533 (7)	\$1,024
Section 534 (5)	\$1,024
Section 567 (4)	\$307
Section 568 (3) (for a failure to produce a work diary for inspection)	\$615
Section 568 (3) (for a failure to produce any other document, device or thing for inspection)	\$307
Section 568 (7)	\$307
Section 569 (2)	\$615
Section 569 (7)	\$307
<b>Offences under Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)</b>	
Section 11 (1)	\$307
Section 16 (2)	\$307
Section 28	\$307

<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Penalty</b>
Section 34 (2)	\$410
Section 36 (2)	\$307