



New South Wales

# Heavy Vehicle (Adoption of National Law) Amendment (Penalties) Regulation (No 2) 2016

under the

Heavy Vehicle (Adoption of National Law) Act 2013

His 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, Maritime and Freight

## Explanatory note

The object of this Regulation is to increase penalties payable for infringement notice offences, being 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)*, 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 (No 2) 2016**

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 (No 2) 2016*.

### **2 Commencement**

This Regulation commences on 1 July 2016 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) (except in the circumstances referred to in paragraph (b) of the penalty provision)	\$320
Section 60 (1) (in the circumstances referred to in paragraph (b) of the penalty provision)	\$640
Section 79 (2)	\$426
Section 81 (1)	\$426
Section 81 (2)	\$426
Section 81 (3)	\$426
Section 82 (2)	\$320
Section 82 (3)	\$320
Section 83 (1)	\$320
Section 83 (2)	\$320
Section 83 (3)	\$320
Section 85 (1)	\$320
Section 85 (2)	\$320
Section 86 (2)	\$320
Section 87A (1)	\$320
Section 89 (1)	\$640
Section 90 (1)	\$320
Section 90 (2)	\$320
Section 90 (3)	\$320
Section 92 (2)	\$320
Section 96 (1)	\$426 (for a minor risk breach) \$640 (for a substantial risk breach)

<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Penalty</b>
Section 102 (1) (in the circumstances referred to in paragraph (a) of the penalty provision)	\$320
Section 102 (1) (in the circumstances referred to in paragraph (b) of the penalty provision)	\$320 (for a minor risk breach) \$533 (for a substantial risk breach)
Section 109 (2)	\$320
Section 111 (1)	\$320 (for a minor risk breach) \$533 (for a substantial risk breach)
Section 129 (1)	\$640
Section 129 (2)	\$640
Section 129 (3)	\$640
Section 130 (2)	\$640
Section 130 (3)	\$640
Section 131 (1)	\$640
Section 132 (2)	\$320
Section 132 (3)	\$320
Section 133 (1)	\$320
Section 133 (2)	\$426
Section 133 (3)	\$320
Section 134 (1)	\$320
Section 134 (2)	\$320
Section 137	\$640
Section 150 (1)	\$640
Section 151 (2)	\$320
Section 151 (3)	\$320
Section 152 (1)	\$320
Section 152 (2)	\$426
Section 152 (3)	\$320
Section 153 (1)	\$320
Section 153 (2)	\$320
Section 153A (1)	\$640
Section 181 (3)	\$426

<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Penalty</b>
Section 183 (2) (in relation to an offence against section 96)	\$426 (for a minor risk breach) \$640 (for a substantial risk breach)
Section 183 (2) (in relation to an offence against section 102)	\$320 (for a heavy vehicle that does not have goods or passengers) \$320 (for a minor risk breach) \$533 (for a substantial risk breach)
Section 183 (2) (in relation to an offence against section 111)	\$320 (for a minor risk breach) \$533 (for a substantial risk breach)
Section 184 (1)	\$320
Section 185 (1)	\$640
Section 185 (2)	\$640
Section 190 (1)	\$640
Section 191 (1)	\$640
Section 191 (3)	\$640
Section 192 (1)	\$640
Section 192 (2)	\$320
Section 219 (1):	
(a) in the circumstances referred to in paragraph (a) of the penalty provision, or	\$320
(b) in the circumstances referred to in paragraph (b) (i) of the penalty provision, or	\$320
(c) in the circumstances referred to in paragraph (b) (ii) of the penalty provision, or	\$533
(d) in the circumstances referred to in paragraph (c) (i) of the penalty provision, or	\$320
(e) in the circumstances referred to in paragraph (c) (ii) of the penalty provision, or	\$533
(f) in the circumstances referred to in paragraph (d) (i) of the penalty provision, or	\$533
(g) in the circumstances referred to in paragraph (e) (i) of the penalty provision.	\$533

<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Penalty</b>
Section 250 (1)	\$426 (for a minor risk breach) \$640 (for a substantial risk breach)
Section 251 (1)	\$426 (for a minor risk breach) \$640 (for a substantial risk breach)
Section 254 (1)	\$426 (for a minor risk breach) \$640 (for a substantial risk breach)
Section 256 (1)	\$426 (for a minor risk breach) \$640 (for a substantial risk breach)
Section 258 (1)	\$426 (for a minor risk breach) \$640 (for a substantial risk breach)
Section 260 (1)	\$426 (for a minor risk breach) \$640 (for a substantial risk breach)
Section 263 (1)	\$426
Section 284 (2)	\$640
Section 286 (1)	\$640
Section 287 (2)	\$320
Section 287 (3)	\$320
Section 288 (1)	\$320
Section 288 (2)	\$426
Section 288 (3)	\$320
Section 293 (1)	\$640
Section 296 (1)	\$160
Section 297 (2)	\$640
Section 298 (1)	\$160
Section 299	\$320
Section 301	\$160

<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Penalty</b>
Section 302	\$160
Section 303	\$160
Section 305 (1)	\$640
Section 305 (2)	\$320
Section 305 (3)	\$160
Section 306	\$320
Section 307 (2)	\$320
Section 307 (3)	\$320
Section 308 (1)	\$320
Section 309 (2)	\$320
Section 310 (2)	\$640
Section 312 (3)	\$640
Section 319 (1)	\$640
Section 321 (1)	\$640
Section 321 (3)	\$640
Section 322 (2)	\$320
Section 323 (2)	\$320
Section 324A (2)	\$160
Section 341 (1)	\$640
Section 341 (2)	\$640
Section 341 (3)	\$320
Section 341 (4)	\$320
Section 341 (7)	\$160
Section 354 (3)	\$640
Section 354 (5)	\$640
Section 355 (2)	\$640
Section 355 (4)	\$640
Section 355 (6)	\$640
Section 373 (2)	\$640
Section 375	\$640
Section 376 (2)	\$320
Section 376 (3)	\$320
Section 377	\$320
Section 392 (2)	\$640
Section 395	\$640
Section 396 (2)	\$640

<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Penalty</b>
Section 399 (2)	\$640
Section 467	\$640
Section 468 (1)	\$320
Section 468 (3)	\$320
Section 469 (2)	\$426
Section 470 (3)	\$640
Section 470 (8)	\$320
Section 471 (2)	\$640
Section 471 (3)	\$426
Section 476 (2)	\$640
Section 488	\$426
Section 513 (4)	\$640
Section 514 (3)	\$640
Section 516 (3)	\$640
Section 517 (4)	\$640
Section 522 (5)	\$640
Section 524 (5)	\$640
Section 526 (4)	\$320
Section 528 (3)	\$320
Section 529	\$640
Section 531 (4)	\$320
Section 533 (7)	\$1,065
Section 534 (5)	\$1,065
Section 567 (4)	\$320
Section 568 (3) (for a failure to produce a work diary for inspection)	\$640
Section 568 (3) (for a failure to produce any other document, device or thing for inspection)	\$320
Section 568 (7)	\$320
Section 569 (2)	\$640
Section 569 (7)	\$320
<b>Offences under Heavy Vehicle (Fatigue Management) National Regulation (NSW)</b>	
Section 18A (1)	\$160
<b>Offences under Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)</b>	
Section 11 (1)	\$320
Section 16 (2)	\$320
Section 28	\$320



<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Penalty</b>
Section 34 (2)	\$400
Section 36 (2)	\$320