



New South Wales

# Heavy Vehicle (Adoption of National Law) Amendment (Penalties) Regulation 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 prescribe, and increase certain penalties for, offences against the *Heavy Vehicle National Law (NSW)*, and prescribe an offence against the *Heavy Vehicle (Fatigue Management) National Regulation (NSW)*, for which an infringement notice may be issued.

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 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 2016*.

### **2 Commencement**

This Regulation commences on 6 February 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 Prescribed offences and penalties for section 591 of Heavy Vehicle National Law (NSW)**

Omit the matter relating to the *Heavy Vehicle National Law (NSW)*. Insert instead:

#### **Offences under Heavy Vehicle National Law (NSW)**

Section 60 (1) (except in the circumstances referred to in paragraph (b) of the penalty provision)	\$315
Section 60 (1) (in the circumstances referred to in paragraph (b) of the penalty provision)	\$630
Section 79 (2)	\$420
Section 81 (1)	\$420
Section 81 (2)	\$420
Section 81 (3)	\$420
Section 82 (2)	\$315
Section 82 (3)	\$315
Section 83 (1)	\$315
Section 83 (2)	\$315
Section 83 (3)	\$315
Section 85 (1)	\$315
Section 85 (2)	\$315
Section 86 (2)	\$315
Section 87A (1)	\$315
Section 89 (1)	\$630
Section 90 (1)	\$315
Section 90 (2)	\$315
Section 90 (3)	\$315
Section 92 (2)	\$315
Section 96 (1)	\$420 (for a minor risk breach) \$630 (for a substantial risk breach)
Section 102 (1) (in the circumstances referred to in paragraph (a) of the penalty provision)	\$315
Section 102 (1) (in the circumstances referred to in paragraph (b) of the penalty provision)	\$315 (for a minor risk breach) \$525 (for a substantial risk breach)
Section 109 (2)	\$315
Section 111 (1)	\$315 (for a minor risk breach) \$525 (for a substantial risk breach)
Section 129 (1)	\$630

Section 129 (2)	\$630
Section 129 (3)	\$630
Section 130 (2)	\$630
Section 130 (3)	\$630
Section 131 (1)	\$630
Section 132 (2)	\$315
Section 132 (3)	\$315
Section 133 (1)	\$315
Section 133 (2)	\$420
Section 133 (3)	\$315
Section 134 (1)	\$315
Section 134 (2)	\$315
Section 137	\$630
Section 150 (1)	\$630
Section 151 (2)	\$315
Section 151 (3)	\$315
Section 152 (1)	\$315
Section 152 (2)	\$420
Section 152 (3)	\$315
Section 153 (1)	\$315
Section 153 (2)	\$315
Section 153A (1)	\$630
Section 181 (3)	\$420
Section 183 (2) (in relation to an offence against section 96)	\$420 (for a minor risk breach) \$630 (for a substantial risk breach)
Section 183 (2) (in relation to an offence against section 102)	\$315 (for a heavy vehicle that does not have goods or passengers) \$315 (for a minor risk breach) \$525 (for a substantial risk breach)
Section 183 (2) (in relation to an offence against section 111)	\$315 (for a minor risk breach) \$525 (for a substantial risk breach)
Section 184 (1)	\$315
Section 185 (1)	\$630
Section 185 (2)	\$630
Section 190 (1)	\$630
Section 191 (1)	\$630
Section 191 (3)	\$630

Section 192 (1)	\$630
Section 192 (2)	\$315
Section 219 (1):	
(a) in the circumstances referred to in paragraph (a) of the penalty provision, or	\$315
(b) in the circumstances referred to in paragraph (b) (i) of the penalty provision, or	\$315
(c) in the circumstances referred to in paragraph (b) (ii) of the penalty provision, or	\$525
(d) in the circumstances referred to in paragraph (c) (i) of the penalty provision, or	\$315
(e) in the circumstances referred to in paragraph (c) (ii) of the penalty provision, or	\$525
(f) in the circumstances referred to in paragraph (d) (i) of the penalty provision, or	\$525
(g) in the circumstances referred to in paragraph (e) (i) of the penalty provision.	\$525
Section 250 (1)	\$420 (for a minor risk breach) \$630 (for a substantial risk breach)
Section 251 (1)	\$420 (for a minor risk breach) \$630 (for a substantial risk breach)
Section 254 (1)	\$420 (for a minor risk breach) \$630 (for a substantial risk breach)
Section 256 (1)	\$420 (for a minor risk breach) \$630 (for a substantial risk breach)
Section 258 (1)	\$420 (for a minor risk breach) \$630 (for a substantial risk breach)
Section 260 (1)	\$420 (for a minor risk breach) \$630 (for a substantial risk breach)
Section 263 (1)	\$420
Section 284 (2)	\$630
Section 286 (1)	\$630
Section 287 (2)	\$315
Section 287 (3)	\$315
Section 288 (1)	\$315
Section 288 (2)	\$420
Section 288 (3)	\$315
Section 293 (1)	\$630

Section 296 (1)	\$158
Section 297 (2)	\$630
Section 298 (1)	\$158
Section 299	\$315
Section 301	\$158
Section 302	\$158
Section 303	\$158
Section 305 (1)	\$630
Section 305 (2)	\$315
Section 305 (3)	\$158
Section 306	\$315
Section 307 (2)	\$315
Section 307 (3)	\$315
Section 308 (1)	\$315
Section 309 (2)	\$315
Section 310 (2)	\$630
Section 312 (3)	\$630
Section 319 (1)	\$630
Section 321 (1)	\$630
Section 321 (3)	\$630
Section 322 (2)	\$315
Section 323 (2)	\$315
Section 324A (2)	\$158
Section 341 (1)	\$630
Section 341 (2)	\$630
Section 341 (3)	\$315
Section 341 (4)	\$315
Section 341 (7)	\$158
Section 354 (3)	\$630
Section 354 (5)	\$630
Section 355 (2)	\$630
Section 355 (4)	\$630
Section 355 (6)	\$630
Section 373 (2)	\$630
Section 375	\$630
Section 376 (2)	\$315
Section 376 (3)	\$315
Section 377	\$315

Section 392 (2)	\$630
Section 395	\$630
Section 396 (2)	\$630
Section 399 (2)	\$630
Section 467	\$630
Section 468 (1)	\$315
Section 468 (3)	\$315
Section 469 (2)	\$420
Section 470 (3)	\$630
Section 470 (8)	\$315
Section 471 (2)	\$630
Section 471 (3)	\$420
Section 476 (2)	\$630
Section 488	\$420
Section 513 (4)	\$630
Section 514 (3)	\$630
Section 516 (3)	\$630
Section 517 (4)	\$630
Section 522 (5)	\$630
Section 524 (5)	\$630
Section 526 (4)	\$315
Section 528 (3)	\$315
Section 529	\$630
Section 531 (4)	\$315
Section 533 (7)	\$1,049
Section 534 (5)	\$1,049
Section 567 (4)	\$315
Section 568 (3) (for a failure to produce a work diary for inspection)	\$630
Section 568 (3) (for a failure to produce any other document, device or thing for inspection)	\$315
Section 568 (7)	\$315
Section 569 (2)	\$630
Section 569 (7)	\$315
<b>Offences under Heavy Vehicle (Fatigue Management) National Regulation (NSW)</b>	
Section 18A (1)	\$158