



New South Wales

# Heavy Vehicle (Adoption of National Law) Amendment (Penalties) Regulation 2017

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*.

MELINDA PAVEY, MP  
Minister for Roads, Maritime and Freight

## Explanatory note

The object of this Regulation is to amend the *Heavy Vehicle (Adoption of National Law) Regulation 2013*:

- (a) to prescribe new, and increase existing penalties for, offences against the *Heavy Vehicle National Law (NSW)*, and
- (b) to increase an existing penalty for an offence against the *Heavy Vehicle (Fatigue Management) National Regulation (NSW)*, and
- (c) to increase existing penalties for offences against the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)*,

for which an infringement notice may be issued.

The new offences relate to the non-compliance with the requirements concerning accreditation labels and self-clearing defect notices under sections 466 (2A) and (2B) and 531A (4) and (5), respectively, of the *Heavy Vehicle National Law (NSW)*.

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 2017**

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 2017*.

### **2 Commencement**

This Regulation commences on 1 July 2017 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)	\$324
Section 60 (1) (in the circumstances referred to in paragraph (b) of the penalty provision)	\$648
Section 79 (2)	\$431
Section 81 (1)	\$431
Section 81 (2)	\$431
Section 81 (3)	\$431
Section 82 (2)	\$324
Section 82 (3)	\$324
Section 83 (1)	\$324
Section 83 (2)	\$324
Section 83 (3)	\$324
Section 85 (1)	\$324
Section 85 (2)	\$324
Section 86 (2)	\$324
Section 87A (1)	\$324
Section 89 (1)	\$648
Section 90 (1)	\$324
Section 90 (2)	\$324
Section 90 (3)	\$324
Section 92 (2)	\$324
Section 96 (1)	\$431 (for a minor risk breach) \$648 (for a substantial risk breach)
Section 102 (1) (in the circumstances referred to in paragraph (a) of the penalty provision)	\$324
Section 102 (1) (in the circumstances referred to in paragraph (b) of the penalty provision)	\$324 (for a minor risk breach) \$540 (for a substantial risk breach)

<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Penalty</b>
Section 109 (2)	\$324
Section 111 (1)	\$324 (for a minor risk breach) \$540 (for a substantial risk breach)
Section 129 (1)	\$648
Section 129 (2)	\$648
Section 129 (3)	\$648
Section 130 (2)	\$648
Section 130 (3)	\$648
Section 131 (1)	\$648
Section 132 (2)	\$324
Section 132 (3)	\$324
Section 133 (1)	\$324
Section 133 (2)	\$431
Section 133 (3)	\$324
Section 134 (1)	\$324
Section 134 (2)	\$324
Section 137	\$648
Section 150 (1)	\$648
Section 151 (2)	\$324
Section 151 (3)	\$324
Section 152 (1)	\$324
Section 152 (2)	\$431
Section 152 (3)	\$324
Section 153 (1)	\$324
Section 153 (2)	\$324
Section 153A (1)	\$648
Section 181 (3)	\$431
Section 183 (2) (in relation to an offence against section 96)	\$431 (for a minor risk breach) \$648 (for a substantial risk breach)
Section 183 (2) (in relation to an offence against section 102)	\$324 (for a heavy vehicle that does not have goods or passengers) \$324 (for a minor risk breach) \$540 (for a substantial risk breach)
Section 183 (2) (in relation to an offence against section 111)	\$324 (for a minor risk breach) \$540 (for a substantial risk breach)
Section 184 (1)	\$324
Section 185 (1)	\$648
Section 185 (2)	\$648

<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Penalty</b>
Section 190 (1)	\$648
Section 191 (1)	\$648
Section 191 (3)	\$648
Section 192 (1)	\$648
Section 192 (2)	\$324
Section 219 (1):	
(a) in the circumstances referred to in paragraph (a) of the penalty provision, or	\$324
(b) in the circumstances referred to in paragraph (b) (i) of the penalty provision, or	\$324
(c) in the circumstances referred to in paragraph (b) (ii) of the penalty provision, or	\$540
(d) in the circumstances referred to in paragraph (c) (i) of the penalty provision, or	\$324
(e) in the circumstances referred to in paragraph (c) (ii) of the penalty provision, or	\$540
(f) in the circumstances referred to in paragraph (d) (i) of the penalty provision, or	\$540
(g) in the circumstances referred to in paragraph (e) (i) of the penalty provision.	\$540
Section 250 (1)	\$431 (for a minor risk breach) \$648 (for a substantial risk breach)
Section 251 (1)	\$431 (for a minor risk breach) \$648 (for a substantial risk breach)
Section 254 (1)	\$431 (for a minor risk breach) \$648 (for a substantial risk breach)
Section 256 (1)	\$431 (for a minor risk breach) \$648 (for a substantial risk breach)
Section 258 (1)	\$431 (for a minor risk breach) \$648 (for a substantial risk breach)
Section 260 (1)	\$431 (for a minor risk breach) \$648 (for a substantial risk breach)
Section 263 (1)	\$431
Section 284 (2)	\$648
Section 286 (1)	\$648
Section 287 (2)	\$324
Section 287 (3)	\$324
Section 288 (1)	\$324
Section 288 (2)	\$431
Section 288 (3)	\$324

<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Penalty</b>
Section 293 (1)	\$648
Section 296 (1)	\$162
Section 297 (2)	\$648
Section 298 (1)	\$162
Section 299	\$324
Section 301	\$162
Section 302	\$162
Section 303	\$162
Section 305 (1)	\$648
Section 305 (2)	\$324
Section 305 (3)	\$162
Section 306	\$324
Section 307 (2)	\$324
Section 307 (3)	\$324
Section 308 (1)	\$324
Section 309 (2)	\$324
Section 310 (2)	\$648
Section 312 (3)	\$648
Section 319 (1)	\$648
Section 321 (1)	\$648
Section 321 (3)	\$648
Section 322 (2)	\$324
Section 323 (2)	\$324
Section 324A (2)	\$162
Section 341 (1)	\$648
Section 341 (2)	\$648
Section 341 (3)	\$324
Section 341 (4)	\$324
Section 341 (7)	\$162
Section 354 (3)	\$648
Section 354 (5)	\$648
Section 355 (2)	\$648
Section 355 (4)	\$648
Section 355 (6)	\$648
Section 373 (2)	\$648
Section 375	\$648

<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Penalty</b>
Section 376 (2)	\$324
Section 376 (3)	\$324
Section 377	\$324
Section 392 (2)	\$648
Section 395	\$648
Section 396 (2)	\$648
Section 399 (2)	\$648
Section 466 (2A)	\$324
Section 466 (2B)	\$324
Section 467	\$648
Section 468 (1)	\$324
Section 468 (3)	\$324
Section 469 (2)	\$431
Section 470 (3)	\$648
Section 470 (8)	\$324
Section 471 (2)	\$648
Section 471 (3)	\$431
Section 476 (2)	\$648
Section 488	\$431
Section 513 (4)	\$648
Section 514 (3)	\$648
Section 516 (3)	\$648
Section 517 (4)	\$648
Section 522 (5)	\$648
Section 524 (5)	\$648
Section 526 (4)	\$324
Section 528 (3)	\$324
Section 529	\$648
Section 531 (4)	\$324
Section 531A (4)	\$324
Section 531A (5)	\$324
Section 533 (7)	\$1,079
Section 534 (5)	\$1,079
Section 567 (4)	\$324
Section 568 (3) (for a failure to produce a work diary for inspection)	\$648

<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Penalty</b>
Section 568 (3) (for a failure to produce any other document, device or thing for inspection)	\$324
Section 568 (7)	\$324
Section 569 (2)	\$648
Section 569 (7)	\$324
<b>Offences under Heavy Vehicle (Fatigue Management) National Regulation (NSW)</b>	
Section 18A (1)	\$162
<b>Offences under Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)</b>	
Section 11 (1)	\$324
Section 16 (2)	\$324
Section 28	\$324
Section 34 (2)	\$400
Section 36 (2)	\$324

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