



New South Wales

Heavy Vehicle (Adoption of National Law) Amendment (Penalties) Regulation 2018

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 ensure national consistency in the offences under the *Heavy Vehicle National Law* (which applies as a law of this jurisdiction) that can be dealt with by infringement notice and the penalty applicable when they are dealt with in that manner.

This is achieved by:

- (a) increasing the penalty applicable for offences against the *Heavy Vehicle National Law (NSW)*, and regulations made under that National Law, when those offences are dealt with by infringement notice, and
- (b) omitting references to offences under the *Heavy Vehicle National Law (NSW)* that have been repealed or that have been changed so that they are no longer appropriate to be dealt with by infringement notice, and
- (c) including 3 further offences under the *Heavy Vehicle National Law (NSW)* (which relate to the keeping of records, including the keeping of electronic work diaries) as offences that can be dealt with by infringement notice and prescribing the penalty applicable when they are dealt with in that manner.

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 2018

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 2018*.

2 Commencement

- (1) Except as provided by this clause, this Regulation commences on 1 July 2018 and is required to be published on the NSW legislation website.
- (2) Schedule 1 [2], [3] and [5] commence on the date of commencement of Chapter 2 of the *Heavy Vehicle National Law and Other Legislation Amendment Act 2016* of Queensland.
- (3) Schedule 1 [4] commences on the date of commencement of section 23 of the *Heavy Vehicle National Law and Other Legislation Amendment Act 2018* of Queensland.

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

[1] Schedule 1

Omit the Schedule. Insert instead:

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 Heavy Vehicle National Law (NSW)	
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

Column 1	Column 2
Provision	Penalty
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

Column 1	Column 2
Provision	Penalty
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) of the penalty provision, or	\$551
(d) in the circumstances referred to in paragraph (c) (i) of the penalty provision, or	\$330
(e) in the circumstances referred to in paragraph (c) (ii) of the penalty provision, or	\$551
(f) in the circumstances referred to in paragraph (d) (i) of the penalty provision, or	\$551
(g) in the circumstances referred to in paragraph (e) (i) of the penalty provision.	\$551
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

Column 1	Column 2
Provision	Penalty
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
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

Column 1	Column 2
Provision	Penalty
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

Column 1	Column 2
Provision	Penalty
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 Heavy Vehicle (Fatigue Management) National Regulation (NSW)	
Section 18A (1)	\$165
Offences under Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)	
Section 16 (2)	\$330
Section 28	\$330
Section 34 (2)	\$400

[2] Schedule 1

Omit the matter relating to section 130 (3) of the *Heavy Vehicle National Law (NSW)*.

[3] Schedule 1

Omit the matter relating to sections 183 (2) and 219 (1) of the *Heavy Vehicle National Law (NSW)*.

[4] Schedule 1

Insert in appropriate order in the matter relating to the *Heavy Vehicle National Law (NSW)*:

Section 319A (2)	\$330
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[5] Schedule 1

Insert in appropriate order in the matter relating to the *Heavy Vehicle National Law (NSW)*:

Section 324 (2)	\$330
Section 341 (5)	\$661