



New South Wales

Heavy Vehicle (Adoption of National Law) Amendment (Penalties) Regulation (No 2) 2020

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*.

ANDREW CONSTANCE, MP
Minister for Transport and Roads

Explanatory note

The object of this Regulation is to increase the penalty for 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)* to ensure national consistency in the amount of penalty payable for offences dealt with by way of infringement notice.

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) 2020

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) 2020*.

2 Commencement

This Regulation commences on 1 July 2020 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 Infringement notices under section 591 of Heavy Vehicle National Law (NSW)

- (1) For the purposes of section 591 of the *Heavy Vehicle National Law (NSW)*—
 - (a) each offence specified in this Schedule is an offence for which an infringement notice may be issued, and
 - (b) the amount payable under any such infringement notice is the amount specified in this Schedule for the offence.
- (2) A reference in this Schedule to a minor risk breach, substantial risk breach, severe risk breach, major defect notice, minor defect notice or self-clearing defect notice in relation to an offence is a reference to a minor risk breach, substantial risk breach, severe risk breach, major defect notice, minor defect notice or self-clearing defect notice in relation to the offence within the meaning of the *Heavy Vehicle National Law (NSW)*.

Column 1	Column 2
Provision	Penalty
Offences under Heavy Vehicle National Law (NSW)	
Section 25A(1)	\$341
Section 25A(2)	\$341
Section 60(1)—except in the circumstances referred to in paragraph (b) of the penalty provision	\$341
Section 60(1)—in the circumstances referred to in paragraph (b) of the penalty provision	\$685
Section 79(2)	\$454
Section 81(1)	\$454
Section 81(2)	\$454
Section 81(3)	\$454
Section 82(2)	\$341
Section 82(3)	\$341
Section 83(1)	\$341
Section 83(2)	\$341
Section 83(3)	\$341
Section 85(1)	\$341
Section 85(2)	\$341
Section 86(2)	\$341
Section 87A(1)	\$341
Section 89(1)	\$685

Column 1	Column 2
Provision	Penalty
Section 90(1)	\$341
Section 90(2)	\$341
Section 90(3)	\$341
Section 92(2)	\$341
Section 96(1)—for a minor risk breach	\$454
Section 96(1)—for a substantial risk breach	\$685
Section 102(1)—in the circumstances referred to in paragraph (a) of the penalty provision	\$341
Section 102(1)—in the circumstances referred to in paragraph (b) of the penalty provision and for a minor risk breach	\$341
Section 102(1)—in the circumstances referred to in paragraph (b) of the penalty provision and for a substantial risk breach	\$571
Section 109(2)	\$341
Section 111(1)—for a minor risk breach	\$341
Section 111(1)—for a substantial risk breach	\$571
Section 129(1)	\$685
Section 129(2)	\$685
Section 129(3)	\$685
Section 130(2)	\$685
Section 131(1)	\$685
Section 132(2)	\$341
Section 132(3)	\$341
Section 133(1)	\$341
Section 133(2)	\$454
Section 133(3)	\$341
Section 134(1)	\$341
Section 134(2)	\$341
Section 137	\$685
Section 150(1)	\$685
Section 151(2)	\$341
Section 151(3)	\$341
Section 152(1)	\$341
Section 152(2)	\$454
Section 152(3)	\$341
Section 153A(1)	\$685
Section 181(3)	\$454

Column 1	Column 2
Provision	Penalty
Section 184(1)	\$341
Section 185(1)	\$685
Section 185(2)	\$685
Section 190(1)	\$685
Section 191(1)	\$685
Section 191(3)	\$685
Section 192(1)	\$685
Section 192(2)	\$341
Section 250(1)—for a minor risk breach	\$454
Section 250(1)—for a substantial risk breach	\$685
Section 250(1)—for a severe risk breach	\$1,139
Section 251(1)—for a minor risk breach	\$454
Section 251(1)—for a substantial risk breach	\$685
Section 251(1)—for a severe risk breach	\$1,139
Section 254(1)—for a minor risk breach	\$454
Section 254(1)—for a substantial risk breach	\$685
Section 254(1)—for a severe risk breach	\$1,139
Section 256(1)—for a minor risk breach	\$454
Section 256(1)—for a substantial risk breach	\$685
Section 256(1)—for a severe risk breach	\$1,139
Section 258(1)—for a minor risk breach	\$454
Section 258(1)—for a substantial risk breach	\$685
Section 260(1)—for a minor risk breach	\$454
Section 260(1)—for a substantial risk breach	\$685
Section 263(1)	\$454
Section 284(2)	\$685
Section 286(1)	\$685
Section 287(2)	\$341
Section 287(3)	\$341
Section 288(1)	\$341
Section 288(2)	\$454
Section 288(3)	\$341
Section 293(1)	\$685
Section 296(1)	\$171
Section 297(2)	\$685
Section 298(1)	\$171

Column 1	Column 2
Provision	Penalty
Section 299	\$341
Section 301	\$171
Section 302	\$171
Section 303	\$171
Section 305(1)	\$685
Section 305(2)	\$341
Section 305(3)	\$171
Section 306	\$341
Section 307(2)	\$341
Section 307(3)	\$341
Section 308(1)	\$341
Section 309(2)	\$341
Section 310(2)	\$685
Section 312(3)	\$685
Section 319(1)	\$685
Section 319A(2)	\$341
Section 321(1)	\$685
Section 321(3)	\$685
Section 322(2)	\$341
Section 323(2)	\$341
Section 324(2)	\$341
Section 324A(2)	\$171
Section 341(1)	\$685
Section 341(2)	\$685
Section 341(3)	\$341
Section 341(4)	\$341
Section 341(5)	\$685
Section 341(7)	\$171
Section 354(3)	\$685
Section 354(5)	\$685
Section 355(2)	\$685
Section 355(4)	\$685
Section 355(6)	\$685
Section 373(2)	\$685
Section 375	\$685
Section 376(2)	\$341

Column 1	Column 2
Provision	Penalty
Section 376(3)	\$341
Section 377	\$341
Section 392(2)	\$685
Section 395	\$685
Section 396(2)	\$685
Section 399(2)	\$685
Section 466(2A)	\$341
Section 466(2B)	\$341
Section 467	\$685
Section 468(1)	\$341
Section 468(3)	\$341
Section 469(2)	\$454
Section 470(3)	\$685
Section 470(8)	\$341
Section 471(2)	\$685
Section 471(3)	\$454
Section 476(2)	\$685
Section 488	\$454
Section 513(4)	\$685
Section 514(3)	\$685
Section 516(3)	\$685
Section 517(4)	\$685
Section 522(5)	\$685
Section 524(5)	\$685
Section 526(4)	\$341
Section 528(3)	\$341
Section 529(a)—for a major defect notice or a minor defect notice	\$685
Section 529(b)—for a self-clearing defect notice	\$341
Section 531(4)	\$341
Section 533(7)	\$1,139
Section 534(5)	\$1,139
Section 567(4)	\$341
Section 568(3)—for a failure to produce a work diary or driver licence for inspection	\$685
Section 568(3)—for a failure to produce any other document, device or thing for inspection	\$341
Section 568(7)	\$341

Column 1	Column 2
Provision	Penalty
Section 569(2)	\$685
Section 569(7)	\$341
Offences under Heavy Vehicle (Fatigue Management) National Regulation (NSW)	
Section 18A(1)	\$171
Offences under Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)	
Section 16(2)	\$341
Section 28	\$341
Section 34(2)	\$454
