



New South Wales

Heavy Vehicle (Adoption of National Law) Amendment (Penalties) Regulation 2021

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 amounts payable under infringement notices for offences under the *Heavy Vehicle National Law (NSW)*, *Heavy Vehicle (Fatigue Management) National Regulation (NSW)* and *Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)* to ensure the amounts are consistent nationally.

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 2021

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 2021*.

2 Commencement

This Regulation commences on 1 July 2021 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 notice offences

1 Application of Schedule

- (1) For the purposes of the *Heavy Vehicle National Law (NSW)*, section 591—
 - (a) each offence created by a provision specified in this Schedule is an offence for which an infringement notice may be issued, and
 - (b) the amount payable for the infringement notice is the amount specified opposite the provision.
- (2) If the provision is qualified by words that restrict its operation to limited kinds of offences or to offences committed in limited circumstances, the infringement notice may be issued only for—
 - (a) that limited kind of offence, or
 - (b) an offence committed in those limited circumstances.

Column 1 Provision	Column 2 Penalty
Offences under Heavy Vehicle National Law (NSW)	
Section 25A(1)	\$344
Section 25A(2)	\$344
Section 60(1)—	
(a) except as provided in paragraph (b), or	\$344
(b) for contravention of a heavy vehicle standard relating to a speed limiter	\$691
Section 79(2)	\$458
Section 81(1)	\$458
Section 81(2)	\$458
Section 81(3)	\$458
Section 82(2)	\$344
Section 82(3)	\$344
Section 83(1)	\$344
Section 83(2)	\$344
Section 83(3)	\$344
Section 85(1)	\$344
Section 85(2)	\$344
Section 86(2)	\$344
Section 87A(1)	\$344

Column 1	Column 2
Provision	Penalty
Section 89(1)	\$691
Section 90(1)	\$344
Section 90(2)	\$344
Section 90(3)	\$344
Section 92(2)	\$344
Section 96(1)—	
(a) for a minor risk breach, or	\$458
(b) for a substantial risk breach	\$691
Section 102(1)—	
(a) if the heavy vehicle does not have goods or passengers in it, or	\$344
(b) if the heavy vehicle has goods or passengers in it—	
(i) for a minor risk breach, or	\$344
(ii) for a substantial risk breach	\$576
Section 109(2)	\$344
Section 111(1)—	
(a) for a minor risk breach, or	\$344
(b) for a substantial risk breach	\$576
Section 129(1)	\$691
Section 129(2)	\$691
Section 129(3)	\$691
Section 130(2)	\$691
Section 131(1)	\$691
Section 132(2)	\$344
Section 132(3)	\$344
Section 133(1)	\$344
Section 133(2)	\$458
Section 133(3)	\$344
Section 134(1)	\$344
Section 134(2)	\$344
Section 137	\$691
Section 150(1)	\$691
Section 151(2)	\$344
Section 151(3)	\$344
Section 152(1)	\$344
Section 152(2)	\$458
Section 152(3)	\$344

Column 1	Column 2
Provision	Penalty
Section 153A(1)	\$691
Section 181(3)	\$458
Section 184(1)	\$344
Section 185(1)	\$691
Section 185(2)	\$691
Section 190(1)	\$691
Section 191(1)	\$691
Section 191(3)	\$691
Section 192(1)	\$691
Section 192(2)	\$344
Section 250(1)—	
(a) for a minor risk breach, or	\$458
(b) for a substantial risk breach, or	\$691
(c) for a severe risk breach	\$1,149
Section 251(1)—	
(a) for a minor risk breach, or	\$458
(b) for a substantial risk breach, or	\$691
(c) for a severe risk breach	\$1,149
Section 254(1)—	
(a) for a minor risk breach, or	\$458
(b) for a substantial risk breach, or	\$691
(c) for a severe risk breach	\$1,149
Section 256(1)—	
(a) for a minor risk breach, or	\$458
(b) for a substantial risk breach, or	\$691
(c) for a severe risk breach	\$1,149
Section 258(1)—	
(a) for a minor risk breach, or	\$458
(b) for a substantial risk breach	\$691
Section 260(1)—	
(a) for a minor risk breach, or	\$458
(b) for a substantial risk breach	\$691
Section 263(1)	\$458
Section 284(2)	\$691
Section 286(1)	\$691
Section 287(2)	\$344

Column 1	Column 2
Provision	Penalty
Section 287(3)	\$344
Section 288(1)	\$344
Section 288(2)	\$458
Section 288(3)	\$344
Section 293(1)	\$691
Section 296(1)	\$172
Section 297(2)	\$691
Section 298(1)	\$172
Section 299	\$344
Section 301	\$172
Section 302	\$172
Section 303	\$172
Section 305(1)	\$691
Section 305(2)	\$344
Section 305(3)	\$172
Section 306	\$344
Section 307(2)	\$344
Section 307(3)	\$344
Section 308(1)	\$344
Section 309(2)	\$344
Section 310(2)	\$691
Section 312(3)	\$691
Section 319(1)	\$691
Section 319A(2)	\$344
Section 321(1)	\$691
Section 321(3)	\$691
Section 322(2)	\$344
Section 323(2)	\$344
Section 324(2)	\$344
Section 324A(2)	\$172
Section 341(1)	\$691
Section 341(2)	\$691
Section 341(3)	\$344
Section 341(4)	\$344
Section 341(5)	\$691
Section 341(7)	\$172

Column 1	Column 2
Provision	Penalty
Section 354(3)	\$691
Section 354(5)	\$691
Section 355(2)	\$691
Section 355(4)	\$691
Section 355(6)	\$691
Section 373(2)	\$691
Section 375	\$691
Section 376(2)	\$344
Section 376(3)	\$344
Section 377	\$344
Section 392(2)	\$691
Section 395	\$691
Section 396(2)	\$691
Section 399(2)	\$691
Section 466(2A)	\$344
Section 466(2B)	\$344
Section 467	\$691
Section 468(1)	\$344
Section 468(3)	\$344
Section 469(2)	\$458
Section 470(3)	\$691
Section 470(8)	\$344
Section 471(2)	\$691
Section 471(3)	\$458
Section 476(2)	\$691
Section 488	\$458
Section 513(4)	\$691
Section 514(3)	\$691
Section 516(3)	\$691
Section 517(4)	\$691
Section 522(5)	\$691
Section 524(5)	\$691
Section 526(4)	\$344
Section 528(3)	\$344
Section 529—	
(a) for a major defect notice or minor defect notice, or	\$691

Column 1	Column 2
Provision	Penalty
(b) for a self-clearing defect notice	\$344
Section 531(4)	\$344
Section 533(7)	\$1,149
Section 534(5)	\$1,149
Section 567(4)	\$344
Section 568(3)—	
(a) for a failure to produce a work diary or driver licence for inspection, or	\$691
(b) for a failure to produce another document, device or thing for inspection	\$344
Section 568(7)	\$344
Section 569(2)	\$691
Section 569(7)	\$344
Offences under Heavy Vehicle (Fatigue Management) National Regulation (NSW)	
Section 18A(1)	\$172
Offences under Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)	
Section 16(2)	\$344
Section 28	\$344
Section 34(2)	\$458