



New South Wales

# Heavy Vehicle (Adoption of National Law) Regulation 2022

under the

Heavy Vehicle (Adoption of National Law) Act 2013

His Honour the Administrator, with the advice of the Executive Council, has made the following Regulation under the *Heavy Vehicle (Adoption of National Law) Act 2013*.

SAMUEL FARRAWAY, MLC  
Minister for Regional Transport and Roads

## Explanatory note

The object of this Regulation is to repeal and remake, without substantial changes, the provisions of the *Heavy Vehicle (Adoption of National Law) Regulation 2013*, which would otherwise be repealed on 1 September 2022 by the *Subordinate Legislation Act 1989*, section 10(2).

This Regulation prescribes—

- (a) the offences under the *Heavy Vehicle National Law (NSW)* for which an infringement notice may be issued, and
- (b) the amounts payable for infringement notices, which are increased from the amounts payable under the *Heavy Vehicle (Adoption of National Law) Regulation 2013* in accordance with the Consumer Price Index and to ensure the amounts are consistent nationally.

This Regulation comprises or relates to matters set out in the *Subordinate Legislation Act 1989*, Schedule 3, namely matters arising under legislation that is substantially uniform or complementary with legislation of the Commonwealth or another State or Territory.

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## Heavy Vehicle (Adoption of National Law) Regulation 2022

under the

Heavy Vehicle (Adoption of National Law) Act 2013

### 1 Name of Regulation

This Regulation is the *Heavy Vehicle (Adoption of National Law) Regulation 2022*.

### 2 Commencement

This Regulation commences on 1 July 2022.

**Note—** This Regulation repeals and replaces the *Heavy Vehicle (Adoption of National Law) Regulation 2013*, which would otherwise be repealed on 1 September 2022 by the *Subordinate Legislation Act 1989*, section 10(2).

### 3 Definition

In this Regulation—

*the Act* means the *Heavy Vehicle (Adoption of National Law) Act 2013*.

**Note—** The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

### 4 Repeal and saving

- (1) The *Heavy Vehicle (Adoption of National Law) Regulation 2013* is repealed.
- (2) An act, matter or thing that, immediately before the repeal of the *Heavy Vehicle (Adoption of National Law) Regulation 2013*, had effect under that Regulation continues to have effect under this Regulation.

## Schedule 1 Infringement notice offences

### Application

- (1) For the Act, section 12(6)—
  - (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.

<b>Provision</b>	<b>Penalty</b>
<b>Offences under Heavy Vehicle National Law (NSW)</b>	
Section 25A(1)	\$354
Section 25A(2)	\$354
Section 60(1)—	
(a) for contravention of a heavy vehicle standard relating to a speed limiter	\$711
(b) otherwise	\$354
Section 79(2)	\$471
Section 81(1)	\$471
Section 81(2)	\$471
Section 81(3)	\$471
Section 82(2)	\$354
Section 82(3)	\$354
Section 83(1)	\$354
Section 83(2)	\$354
Section 83(3)	\$354
Section 85(1)	\$354
Section 85(2)	\$354
Section 86(2)	\$354
Section 87A(1)	\$354
Section 89(1)	\$711
Section 90(1)	\$354
Section 90(2)	\$354
Section 90(3)	\$354
Section 92(2)	\$354
Section 96(1)—	

<b>Provision</b>	<b>Penalty</b>
(a) for a minor risk breach	\$471
(b) for a substantial risk breach	\$711
Section 102(1)—	
(a) if the heavy vehicle does not have goods or passengers in it	\$354
(b) if the heavy vehicle has goods or passengers in it—	
(i) for a minor risk breach	\$354
(ii) for a substantial risk breach	\$592
Section 109(2)	\$354
Section 111(1)—	
(a) for a minor risk breach	\$354
(b) for a substantial risk breach	\$592
Section 129(1)	\$711
Section 129(2)	\$711
Section 129(3)	\$711
Section 130(2)	\$711
Section 131(1)	\$711
Section 132(2)	\$354
Section 132(3)	\$354
Section 133(1)	\$354
Section 133(2)	\$471
Section 133(3)	\$354
Section 134(1)	\$354
Section 134(2)	\$354
Section 137	\$711
Section 150(1)	\$711
Section 151(2)	\$354
Section 151(3)	\$354
Section 152(1)	\$354
Section 152(2)	\$471
Section 152(3)	\$354
Section 153A(1)	\$711
Section 181(3)	\$471
Section 184(1)	\$354
Section 185(1)	\$711
Section 185(2)	\$711
Section 190(1)	\$711
Section 191(1)	\$711

<b>Provision</b>	<b>Penalty</b>
Section 191(3)	\$711
Section 192(1)	\$711
Section 192(2)	\$354
Section 250(1)—	
(a) for a minor risk breach	\$471
(b) for a substantial risk breach	\$711
(c) for a severe risk breach	\$1,182
Section 251(1)—	
(a) for a minor risk breach	\$471
(b) for a substantial risk breach	\$711
(c) for a severe risk breach	\$1,182
Section 254(1)—	
(a) for a minor risk breach	\$471
(b) for a substantial risk breach	\$711
(c) for a severe risk breach	\$1,182
Section 256(1)—	
(a) for a minor risk breach	\$471
(b) for a substantial risk breach	\$711
(c) for a severe risk breach	\$1,182
Section 258(1)—	
(a) for a minor risk breach	\$471
(b) for a substantial risk breach	\$711
Section 260(1)—	
(a) for a minor risk breach	\$471
(b) for a substantial risk breach	\$711
Section 263(1)	\$471
Section 284(2)	\$711
Section 286(1)	\$711
Section 287(2)	\$354
Section 287(3)	\$354
Section 288(1)	\$354
Section 288(2)	\$471
Section 288(3)	\$354
Section 293(1)	\$711
Section 296(1)	\$177
Section 297(2)	\$711
Section 298(1)	\$177

<b>Provision</b>	<b>Penalty</b>
Section 299	\$354
Section 301	\$177
Section 302	\$177
Section 303	\$177
Section 305(1)	\$711
Section 305(2)	\$354
Section 305(3)	\$177
Section 306	\$354
Section 307(2)	\$354
Section 307(3)	\$354
Section 308(1)	\$354
Section 309(2)	\$354
Section 310(2)	\$711
Section 312(3)	\$711
Section 319(1)	\$711
Section 319A(2)	\$354
Section 321(1)	\$711
Section 321(3)	\$711
Section 322(2)	\$354
Section 323(2)	\$354
Section 324(2)	\$354
Section 324A(2)	\$177
Section 341(1)	\$711
Section 341(2)	\$711
Section 341(3)	\$354
Section 341(4)	\$354
Section 341(5)	\$711
Section 341(7)	\$177
Section 354(3)	\$711
Section 354(5)	\$711
Section 355(2)	\$711
Section 355(4)	\$711
Section 355(6)	\$711
Section 373(2)	\$711
Section 375	\$711
Section 376(2)	\$354
Section 376(3)	\$354

<b>Provision</b>	<b>Penalty</b>
Section 377	\$354
Section 392(2)	\$711
Section 395	\$711
Section 396(2)	\$711
Section 399(2)	\$711
Section 466(2A)	\$354
Section 466(2B)	\$354
Section 467	\$711
Section 468(1)	\$354
Section 468(3)	\$354
Section 469(2)	\$471
Section 470(3)	\$711
Section 470(8)	\$354
Section 471(2)	\$711
Section 471(3)	\$471
Section 476(2)	\$711
Section 488	\$471
Section 513(4)	\$711
Section 514(3)	\$711
Section 516(3)	\$711
Section 517(4)	\$711
Section 522(5)	\$711
Section 524(5)	\$711
Section 526(4)	\$354
Section 528(3)	\$354
Section 529—	
(a) for a major defect notice or minor defect notice	\$711
(b) for a self-clearing defect notice	\$354
Section 531(4)	\$354
Section 533(7)	\$1,182
Section 534(5)	\$1,182
Section 567(4)	\$354
Section 568(3)—	
(a) for failure to comply with a requirement under section 568(2)(a)	\$711
(b) for failure to comply with a requirement under section 568(2)(b)	10% of the maximum penalty under section 568(3)(b)
Section 568(7)	\$354



<b>Provision</b>	<b>Penalty</b>
Section 569(2)	\$711
Section 569(7)	\$354
<b>Offences under Heavy Vehicle (Fatigue Management) National Regulation (NSW)</b>	
Section 18A(1)	\$177
<b>Offences under Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)</b>	
Section 16(2)	\$354
Section 28	\$354
Section 34(2)	\$471

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