

Heavy Vehicle (Adoption of National Law) Amendment Act 2013 No 71

[2013-71]



New South Wales

Status Information

Currency of version

Repealed version for 25 September 2013 to 10 February 2014 (accessed 16 November 2024 at 7:18)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 11.2.2014.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Heavy Vehicle (Adoption of National Law) Amendment Act 2013 No 71



New South Wales

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Heavy Vehicle (Adoption of National Law) Amendment Act 2013 No 71



New South Wales

An Act to amend the *Heavy Vehicle (Adoption of National Law) Act 2013* to make further provision for the adoption of the Heavy Vehicle National Law in New South Wales; to provide for the terms of the *Heavy Vehicle (Adoption of National Law) Regulation 2013*; and to repeal and amend certain other legislation.

1 Name of Act

This Act is the *Heavy Vehicle (Adoption of National Law) Amendment Act 2013*.

2 Commencement

- (1) This Act commences on the day (the **participation day**) on which section 4 (Application of Heavy Vehicle National Law) of the *Heavy Vehicle (Adoption of National Law) Act 2013* commences, except as provided by subsection (2).
- (2) Schedules 1, 2.2 [29], 2.4 [10] and 2.6 commence on the date of assent to this Act.

3 Heavy Vehicle (Adoption of National Law) Regulation 2013

- (1) Schedule 4 sets out the terms of the *Heavy Vehicle (Adoption of National Law) Regulation 2013*.
- (2) Clause 10 of Schedule 3 (Savings, transitional and other provisions) to the *Heavy Vehicle (Adoption of National Law) Act 2013* (as inserted by this Act) provides for the following on and from the participation day:
 - (a) Schedule 4 to this Act is taken to be and has effect as a local regulation under the *Heavy Vehicle (Adoption of National Law) Act 2013*,
 - (b) Part 2 of the *Subordinate Legislation Act 1989* does not apply to the regulation set out in Schedule 4 (but applies to any amendment or repeal of the regulation),
 - (c) the regulation set out in Schedule 4 is taken, for the purposes of section 10 of the *Subordinate Legislation Act 1989*, to have been published on the participation day,
 - (d) sections 39, 40 and 41 of the *Interpretation Act 1987* do not apply to the

regulation set out in Schedule 4 (but apply to any amendment or repeal of the regulation).

4 Repeal of existing heavy vehicle legislation

(1) Each of the following is repealed:

- (a) the *Road Transport (Vehicle and Driver Management) Act 2005 No 11*,
- (b) the *Road Transport (Vehicle and Driver Management) Regulation 2005*.

(2) The *Road Transport (Mass, Loading and Access) Regulation 2005*, as amended by this Act, is taken on and from the participation day to have been made under the *Road Transport Act 2013* by operation of clause 47 of Schedule 4 to that Act (as inserted by this Act).

5 Repeal of this Act

Section 30C (Automatic repeal of amending Acts that have commenced) of the *Interpretation Act 1987* is taken to apply to this Act as if this Act were an amending Act for the purposes of that section.

Schedule 1 (Repealed)

Schedule 2 Amendment of road transport legislation

2.1 Road Rules 2008

[1] Rule 127 Keeping a minimum distance between long vehicles

Omit "*Road Transport (Mass, Loading and Access) Regulation 2005*" from the definition of **road train** in rule 127 (2).

Insert instead "*Heavy Vehicle National Law (NSW)*".

[2] Rules 215-1, 218-1 (c) and (e) (iii), 220-1 (1), 294-3 (4) and Dictionary (definition of "portable warning triangle")

Omit "Schedule 2 to the *Road Transport (Vehicle Registration) Regulation 2007*" wherever occurring.

Insert instead "the applicable vehicle standards law".

[3] Rule 218-1 NSW rule: using lights on vehicles generally

Insert "(or, in the case of a heavy vehicle, a corresponding heavy vehicle standard)" after "Schedule 2 to the *Road Transport (Vehicle Registration) Regulation 2007*" wherever occurring in rule 218-1 (d) and (f) and firstly occurring in rule 218-1 (e).

[4] Rule 221-1 NSW rule: using crimson flashing warning lights on certain local council

vehicles

Insert “(or, in the case of a heavy vehicle, a corresponding heavy vehicle standard)” after “Schedule 2 to the *Road Transport (Vehicle Registration) Regulation 2007*” in rule 221-1 (1).

[5] Rule 221-1 (2)

Omit paragraph (a) of the definition of **excess weight limits legislation**. Insert instead:

(a) the *Heavy Vehicle National Law (NSW)*,

[6] Dictionary

Insert in alphabetical order:

applicable vehicle standards law means:

(a) for a light vehicle—Schedule 2 to the *Road Transport (Vehicle Registration) Regulation 2007*, or

(b) for a heavy vehicle within the meaning of the *Heavy Vehicle National Law (NSW)*—that Law, and any regulations in force for the purposes of that Law, to the extent they make provision for heavy vehicle standards.

Note—

This is an additional NSW definition. There is no corresponding definition in the Dictionary of the *Australian Road Rules*.

corresponding heavy vehicle standard, in relation to a provision of Schedule 2 to the *Road Transport (Vehicle Registration) Regulation 2007*, means a heavy vehicle standard under the *Heavy Vehicle National Law (NSW)* that corresponds, or substantially corresponds, to that provision.

Note—

This is an additional NSW definition. There is no corresponding definition in the Dictionary of the *Australian Road Rules*.

[7] Dictionary, definition of “mechanical signalling device”

Insert “(or, in the case of a heavy vehicle, a corresponding heavy vehicle standard)” after “Schedule 2 to the *Road Transport (Vehicle Registration) Regulation 2007*”.

[8] Dictionary, definition of “oversize vehicle”

Insert after paragraph (a) of the definition:

(a1) the *Heavy Vehicle National Law (NSW)*, or

2.2 Road Transport Act 2013 No 18

[1] Section 4 Definitions

Omit each of the following definitions from section 4 (1):

applicable road law

applicable road law offence

approved road transport compliance scheme

Australian applicable road law

Australian applicable road law offence

Australian authorised officer

Australian Authority

corresponding applicable road law

corresponding Authority

heavy vehicle driver fatigue/speeding compliance provisions

infringement penalty

legal entitlements

Insert in alphabetical order:

Australian authorised officer means:

- (a) an authorised officer for the purposes of this Act, or
- (b) an authorised officer (within the meaning of the *Heavy Vehicle National Law (NSW)*), or
- (c) an individual of another jurisdiction of a class prescribed by the statutory rules.

Australian Authority means any of the following:

- (a) the Authority,
- (b) the National Heavy Vehicle Regulator established under section 656 of the *Heavy Vehicle National Law (NSW)*,
- (c) the road authority for another participating jurisdiction (within the meaning of the

Heavy Vehicle National Law (NSW)),

(d) any other person or body of another jurisdiction prescribed by the statutory rules for the purposes of this definition.

light combination means a combination other than a heavy combination within the meaning of the *Heavy Vehicle National Law (NSW)*.

light trailer means a trailer other than a heavy trailer within the meaning of the *Heavy Vehicle National Law (NSW)*.

light vehicle means a vehicle other than a heavy vehicle within the meaning of the *Heavy Vehicle National Law (NSW)*.

[2] Section 4 (4), note

Insert at the end of the note:

The *Road Transport (Vehicle and Driver Management) Act 2005* and *Road Transport (Vehicle and Driver Management) Regulation 2005* have been repealed. See now the *Heavy Vehicle National Law (NSW)*.

[3] Section 6 Meaning of “road transport legislation”

Omit section 6 (1) (b).

[4] Section 15 Statutory rules may disapply roads legislation in certain circumstances

Omit “any specified provision of the *Roads Act 1993* (or any specified statutory rule made under any provision of that Act)”.

Insert instead “specified roads legislation (or specified provisions of the roads legislation)”.

[5] Section 15 (2)

Insert at the end of the section:

(2) In this section:

roads legislation means:

(a) the *Roads Act 1993* (or any regulations made under that Act), or

(b) the *Heavy Vehicle National Law (NSW)* (or any regulations in force for the purposes of that Law).

[6] Section 62 Functions of Authority

Omit “vehicle standards” from section 62 (e). Insert instead “light vehicle standards”.

[7] Section 121 Definitions

Omit paragraph (a) of the definition of ***speeding offence***. Insert instead:

- (a) an offence against the *Heavy Vehicle National Law (NSW)* or the regulations in force for the purposes of that Law where the speed at which a heavy vehicle has travelled is relevant for the purpose of establishing that the offence has been committed, and

[8] Sections 166 (3) and 171 (6)

Omit the subsections.

[9] Section 169 Production of identification

Omit the section.

[10] Section 169A

Insert after section 169:

169A Direction to stop light vehicle or light combination: to enable exercise of other powers

(1) This section applies to:

(a) a light vehicle or light combination located:

- (i) on any road, or
- (ii) in or on any public place, or
- (iii) in or on any premises occupied or owned by the Authority or by any other public authority, and

(b) the driver of such a light vehicle or light combination who is apparently in, on or in the vicinity of the vehicle or combination.

(2) An authorised officer may, for the purpose of or in connection with exercising other powers under the road transport legislation, direct:

(a) the driver of a light vehicle or light combination to stop the vehicle or combination, or

(b) the driver of a light vehicle or light combination or any other person not to do any one or more of the following:

- (i) move the vehicle or combination,
 - (ii) interfere with it or any equipment in or on it,
 - (iii) interfere with its load.
- (3) A direction to stop a light vehicle or light combination may require that it be stopped without delay, or that it be stopped at the nearest place for it to be safely stopped as indicated by the officer.
- (4) A direction to stop the light vehicle or light combination, or not to move it, or not to interfere with it or any equipment in or on it or with its load, does not prevent an authorised officer from giving the driver or another person any later inconsistent directions under other provisions of the road transport legislation.
- (5) A direction under this section may be given to a driver or other person orally or by means of a sign or signal (electronic or otherwise), or in any other manner.
- (6) A direction ceases to be operative to the extent that an authorised officer:
- (a) gives the driver or other person a later inconsistent direction, or
 - (b) indicates to the driver or other person that the direction is no longer operative.
- (7) A person is guilty of an offence if:
- (a) the person is subject to an operative direction under subsection (2), and
 - (b) the person engages in conduct that results in a contravention of the direction.
- Maximum penalty: 60 penalty units.

(8) In this section:

stop a light vehicle or light combination means to stop the vehicle or combination and keep it stationary.

Note—

See also section 513 of the [Heavy Vehicle National Law \(NSW\)](#) in relation to directions to stop heavy vehicles for the purposes of that Law.

[11] Section 173 Offences—obstructing, hindering or impersonating authorised officer

Omit section 173 (3) and (4).

[12] Section 177 Requirement for responsible person to disclose driver identity

Omit section 177 (4).

[13] Section 180 Multiple offenders for applicable road law offence

Omit the section.

[14] Section 182 Liability of directors etc for offences by corporation—accessory to commission of offences

Omit “(other than an applicable road law offence)” from section 182 (1).

[15] Section 182 (1), note

Omit the note.

[16] Section 195 Penalty notices for certain offences

Insert after section 195 (1) (b):

(b1) an offence against the *Heavy Vehicle (Adoption of National Law) Act 2013* or any local regulations made under that Act that is prescribed by the statutory rules as a penalty notice offence,

[17] Section 200 Proceedings for offences

Omit section 200 (2). Insert instead:

(2) The maximum monetary penalty that may be imposed by the Local Court for an offence against a provision of the road transport legislation is 100 penalty units or the maximum monetary penalty provided for the offence (whichever is less).

[18] Section 202 Period within which proceedings for certain mass, dimension and load offences may be commenced

Omit the section.

[19] Section 203 Section 10 of Crimes (Sentencing Procedure) Act 1999 not applicable in certain circumstances

Omit section 203 (2) (e) and (f).

[20] Section 203 (2) (g)

Omit “(c), (d), (e) or (f)”. Insert instead “(c) or (d)”.

[21] Section 203 (2) (h)

Omit “, (e), (f)”.

[22] Section 229 Compensation orders for damage to road infrastructure

Omit the section.

[23] Section 257 Certificate evidence

Omit items 4, 10, 16, 22, 26 and 32–35 from the Table in section 257 (1).

[24] Section 257 (1), Table, items 17, 24, 25 and 28

Omit “or an Australian applicable road law” wherever occurring.

[25] Section 257 (1), Table, items 18–21

Omit “or a specified infringement notice under an Australian applicable road law” wherever occurring.

[26] Section 257 (1), Table, item 37

Omit the item. Insert instead:

Any matter in connection with:

(a) the previous operation of the road transport legislation or an Australian applicable road law (within the meaning of the *Road Transport (General) Act 2005*) that could have been included in a certificate for the purposes of section 230 of that Act before the repeal of that section, or

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(b) the previous operation of an Australian applicable road law (within the meaning of the *Road Transport (Vehicle and Driver Management) Act 2005*) that could have been included in a certificate for the purposes of this section before the repeal of that Act.

[27] Section 260 Averments

Omit section 260 (1) (d).

[28] Section 265 Transport documentation and journey documentation

Omit the section.

[29] (Repealed)

2.3 Road Transport (Driver Licensing) Regulation 2008

[1] Clause 8 Authorisation to tow trailers and semi-trailers

Omit “in the *Road Transport (Mass, Loading and Access) Regulation 2005*” wherever occurring in clause 8 (1) (b) and (2).

Insert instead “by or under the *Heavy Vehicle National Law (NSW)*”.

[2] Schedule 1 National schedule of demerit point offences

Insert before the matter relating to the *Road Rules 2008*:

Heavy Vehicle National Law (NSW)

Column 1	Column 2	Column 3	Column 4
Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Section 228 (1)	Driving heavy vehicle while fatigued	3	3
	Solo driver under standard hours working for more than the maximum work time or resting for less than minimum rest time:		
Section 250 (1)	(a) in case of a severe risk breach	3	3
	(b) in case of a critical risk breach	4	4
	Two-up driver under standard hours working for more than the maximum work time or resting for less than minimum rest time:		
Section 251 (1)	(a) in case of a severe risk breach	3	3
	(b) in case of a critical risk breach	4	4
	Solo driver under BFM hours working for more than the maximum work time or resting for less than minimum rest time:		
Section 254 (1)	(a) in case of a severe risk breach	3	3
	(b) in case of a critical risk breach	4	4

	Two-up driver under BFM hours working for more than the maximum work time or resting for less than minimum rest time:		
Section 256 (1)	(a) in case of a severe risk breach	3	3
	(b) in case of a critical risk breach	4	4
	Driver under AFM hours working for more than the maximum work time or resting for less than minimum rest time:		
Section 258 (1)	(a) in case of a severe risk breach	3	3
	(b) in case of a critical risk breach	4	4
	Driver under exemption hours working for more than the maximum work time or resting for less than minimum rest time:		
Section 260 (1)	(a) in case of a severe risk breach	3	3
	(b) in case of a critical risk breach	4	4
	Using heavy vehicle contrary to defect notice:		
Section 529	(a) in case of a minor defect notice	1	1
	(b) in case of a major defect notice	3	3

[3] Schedule 1

Omit the matter relating to the *Road Transport (Vehicle and Driver Management) Regulation 2005*.

[4] Schedule 2 Additional demerit point offences

Insert before the matter relating to the *Protection of the Environment Operations (Noise Control) Regulation 2008*:

Heavy Vehicle National Law (NSW)

Column 1	Column 2	Column 3	Column 4
Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Section 60 (1)	Use vehicle with defective brakes	3	3
Section 60 (1)	Use vehicle with defective steering	3	3
Section 60 (1)	Use vehicle with seatbelt missing/defective	3	3
Section 60 (1)	Use vehicle with defective seating	3	3
Section 60 (1)	Use vehicle not fitted/equipped with seatbelts/anchorages	3	3
Section 60 (1)	Use vehicle with dangerous protrusion	3	3

[5] Schedule 2

Omit the matter relating to the *Road Transport (Vehicle and Driver Management) Regulation 2005*.

[6] Schedule 2

Insert before the matter relating to clause 85 (1) (a) of the *Road Transport (Vehicle Registration) Regulation 2007*:

Clause 52 (1) (b)	Use vehicle with obscured/defaced/illegible number-plate or number-plate not displayed or affixed in accordance with Regulation	3	3
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2.4 Road Transport (General) Regulation 2013

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

applicable vehicle standards law means:

- (a) for a light vehicle—Schedule 2 to the *Road Transport (Vehicle Registration) Regulation 2007*, or
- (b) for a heavy vehicle within the meaning of the *Heavy Vehicle National Law (NSW)*—that Law, and any regulations in force for the purposes of that Law, to the extent they make provision for heavy vehicle standards.

corresponding heavy vehicle standard, in relation to a provision of Schedule 2 to the *Road Transport (Vehicle Registration) Regulation 2007*, means a heavy vehicle standard under the *Heavy Vehicle National Law (NSW)* that corresponds, or substantially corresponds, to that provision.

[2] Clause 16 Use of crimson flashing warning lights on certain council vehicles

Insert “(or, in the case of a heavy vehicle, a corresponding heavy vehicle standard)” after “Schedule 2 to the *Road Transport (Vehicle Registration) Regulation 2007*” in clause 16 (1).

[3] Clause 16 (2)

Omit paragraph (a) of the definition of **excess weight limits legislation**. Insert instead:

- (a) the *Heavy Vehicle National Law (NSW)*,

[4] Clause 17 Use of lights on stationary vehicles

Omit “Schedule 2 to the *Road Transport (Vehicle Registration) Regulation 2007*” from clause 17 (1).

Insert instead “the applicable vehicle standards law”.

[5] Clause 56 Application of Part 6.2 of the Act

Omit “*Road Transport (Vehicle Registration) Regulation 2007*” from clause 56 (a).

Insert instead “*Heavy Vehicle (Vehicle Standards) National Regulation (NSW)*”.

[6] Clause 57 Manner of limiting speed

Omit “*Road Transport (Vehicle Registration) Regulation 2007*” from clause 57 (1) (b).

Insert instead “*Heavy Vehicle (Vehicle Standards) National Regulation (NSW)*”.

[7] Clause 128 Mass Management Accreditation Scheme decisions

Omit the clause.

[8] Clause 129 Heavy vehicle driver fatigue decisions

Omit the clause.

[9] Clause 135 Stay of certain appealable decisions pending appeal

Omit clause 135 (1) (g).

[10] (Repealed)

[11] Schedule 5 Penalty notice offences

Insert before the matter relating to the *Local Government Act 1993*:

Heavy Vehicle (Adoption of National Law) Act 2013

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Section 26 (2)	Class 1, 2	Level 2

[12] Schedule 5

Insert after the matter relating to section 162 of the *Road Transport Act 2013*:

Section 169A (7)	Class 1, 2	Level 5
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[13] Schedule 5

Omit the matter relating to the *Road Transport (Mass, Loading and Access) Regulation 2005*.

Insert instead:

Road Transport (Mass, Loading and Access) Regulation 2005

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Clause 43A (in respect of a contravention of a requirement of clause 47 (1) or 61)	Class 1, 2, 6, 7, 12, 14	Level 9
Clause 48 (1)	Class 1, 2, 6, 7, 12, 14	Level 2
Clause 52 (4)	Class 1, 2	Level 4
Clause 59	Class 1, 2	Level 4
Clause 62 (a); Clause 62 (b)	Class 1, 2, 12, 14	Level 4
Clause 62 (c)	Class 1, 2, 12, 14	Level 6

[14] Schedule 5

Omit the matter relating to the *Road Transport (Vehicle and Driver Management) Act 2005* and *Road Transport (Vehicle and Driver Management) Regulation 2005*.

[15] Schedule 5

Omit “use of a registrable vehicle” from the matter relating to clause 52 (1) (a) of the *Road Transport (Vehicle Registration) Regulation 2007*.

Insert instead “use of a registrable light vehicle”.

[16] Schedule 5

Omit “Clause 52 (1) (a)” from Column 1 of the matter relating to the *Road Transport (Vehicle Registration) Regulation 2007*.

Insert instead “Clause 52 (1) (a) (i)”.

[17] Schedule 5

Omit “Clause 52 (1) (b)” from Column 1 of the matter relating to the *Road Transport (Vehicle Registration) Regulation 2007*.

Insert instead “Clause 52 (1) (a) (ii)”.

[18] Schedule 5

Insert before the matter relating to clause 55A of the *Road Transport (Vehicle Registration) Regulation 2007*:

Clause 52 (1) (b)

Class 1, 2

Level 8

2.5 Road Transport (Mass, Loading and Access) Regulation 2005

[1] Clause 4 Object

Omit the clause.

[2] Part 2 Mass, dimension, loading and other requirements for heavy vehicles

Omit the Part.

[3] Part 3 Road trains

Omit the Part.

[4] Clauses 43 and 43A

Omit clause 43. Insert instead:

43 Part applies to light vehicles and combinations

This Part applies to a light vehicle or light combination only.

Note—

The terms **light combination** and **light vehicle** are defined in section 4 (1) of the Act.

43A Use of vehicle in contravention of dimension, mass or load restraint requirements

(1) A person must not drive, or cause to be driven, along a road or road related area any light vehicle or light combination that contravenes any of the dimension, mass or load restraint requirements imposed by this Part otherwise than in accordance with a permit.

Maximum penalty: 30 penalty units.

(2) In this clause, **dimension requirement**, **mass requirement** and **load restraint requirement** have the same meanings as in clause 7 of Schedule 1 to the Act.

[5] Clause 53 Projection of loading or equipment of vehicles

Omit “(other than a B-double or road train)” from clause 53 (1) (f) (i).

[6] Part 5, heading

Omit the heading.

[7] Part 5, Division 1

Omit the Division.

[8] Part 5, Division 2, heading

Omit the heading. Insert instead:

Division 4 **Other mass and dimension requirements**

[9] Clause 57 Loads on light traffic thoroughfares, bridges and roads

Omit the clause.

[10] Part 5, Division 3, heading

Omit the heading.

[11] Part 5, Division 4, heading

Omit “**Division 4**”. Insert instead “**Division 5**”.

[12] Clause 63 Exercise of direction powers by authorised officers

Omit the clause.

[13] Part 6 Mass Management Accreditation Scheme

Omit the Part.

[14] Part 6A Intelligent access programs

Omit the Part.

[15] Clause 74

Omit the clause. Insert instead:

74 Mass requirements on certain roads and bridges etc

- (1) The council of a local government area or the Authority may do either or both of the following things by means of one or more notices (a **limit notice**) conspicuously displayed on or adjacent to the road, bridge or road-ferry concerned:
 - (a) prohibit vehicles with a laden mass exceeding a specified maximum mass from passing along or over a road, bridge or causeway,
 - (b) prohibit vehicles with a laden mass exceeding a specified maximum mass from using a road-ferry maintained in connection with a road.
- (2) A limit notice must either:
 - (a) display the words “BRIDGE LOAD LIMIT” or “ROAD LOAD LIMIT”, or
 - (b) be in or similar to a sign approved by the Authority for the purposes of this clause.
- (3) A limit notice that displays the words “BRIDGE LOAD LIMIT” or “ROAD LOAD LIMIT” prohibits the passage, from a direction facing the notice, of a vehicle or combination if:
 - (a) the total mass of the vehicle or combination exceeds the gross mass indicated by the sign, or
 - (b) the mass carried by an axle or axle group of the vehicle or combination exceeds the mass indicated by the sign for that kind of axle or axle group.
- (4) A limit notice in or similar to a sign approved by the Authority for the purposes of this clause prohibits the passage, from a direction facing the notice, of a vehicle or combination exceeding the total mass indicated by the notice.

- (5) However, a limit notice (whether erected before or after the commencement of this clause) does not prohibit any person from driving a vehicle along or over a public road (or any bridge or causeway forming part of a public road) if the destination of the vehicle lies in or on the road (or bridge or causeway) and there is no alternative route by which to reach that destination.
- (6) The powers conferred by this clause may only be exercised with respect to classified roads by the Authority.
- (7) A sign in or similar to the form referred to in clause 57 (1) (b) (as in force immediately before its repeal by the *Heavy Vehicle (Adoption of National Law) Amendment Act 2013*) is taken to have been approved by the Authority for the purposes of subclause (2) (b).
- (8) Any person who fails to comply with the terms of a notice displayed for the purposes of this clause is guilty of an offence.
- Maximum penalty: 30 penalty units.
- (9) In this clause:

bridge includes any gate, pier, fender, dolphin or platform or any other thing incidental to the use or protection of the bridge.

classified road and **public road** have the same meanings as they have in the *Roads Act 1993*.

[16] Schedule 1 Mass and loading requirements for heavy vehicles

Omit the Schedule.

[17] Schedule 2 Oversize and overmass vehicles

Omit the Schedule.

[18] Dictionary

Omit all of the definitions (including associated diagrams) except for the following:

added load

articulated vehicle

axle

axle group

axle load

centre-line

centre of an axle group

dimension limit

drive

driver

information sheet

load-carrying

loaded mass

motor bike

permit

pole-type trailer

prime mover

quad-axle group

rear overhang line

retractable axle

semi-trailer

single axle

single axle group

single motor vehicle

station wagon

tandem axle group

total mass

tri-axle group

twinsteer axle group

vehicle

wheel

wheel load

[19] Dictionary, definition of “the Act”

Insert in alphabetical order:

the Act means the *Road Transport Act 2013*.

2.6

(Repealed)

2.7 Road Transport (Vehicle Registration) Regulation 2007

[1] Clause 12 Determination of applications

Insert after clause 12 (1) (f):

(f1) a court has made an order under section 598 (3) of the Heavy Vehicle National Law in relation to the heavy vehicle for a stated period and the period has not expired,
or

[2] Clause 42A

Insert after clause 42:

42A Cancellation or suspension of registration by court under Heavy Vehicle National Law

- (1) The registration of a heavy vehicle under this Regulation is cancelled or suspended in accordance with an order made by a court under section 598 (2) of the Heavy Vehicle National Law in relation to the heavy vehicle.
- (2) The Authority is to take all appropriate steps to give effect to the order.

[3] Clause 51

Omit the clause. Insert instead:

51 Applicable vehicle standards

For the purposes of this Regulation, the **applicable vehicle standards** for a registrable vehicle are:

- (a) in the case of a light vehicle—the requirements specified in Schedule 2 to this Regulation that apply to the vehicle, and
- (b) in the case of a heavy vehicle within the meaning of the *Heavy Vehicle National*

Law (NSW):

- (i) the heavy vehicle standards (within the meaning of that Law) that apply to the vehicle, and
- (ii) the requirements of clause 61 (Number-plates) of Schedule 2 to this Regulation that apply to the vehicle.

Note—

Schedule 2 applies only to light vehicles, except for clause 61 of that Schedule (which applies to all registrable vehicles, including heavy vehicles).

[4] Clause 52 Registrable vehicles to comply with vehicle standards specified in Schedule 2

Omit clause 52 (1). Insert instead:

- (1) A person must not use a registrable vehicle on a road or road related area unless:
 - (a) in the case of a light vehicle:
 - (i) the vehicle complies with the applicable vehicle standards for the vehicle, and
 - (ii) the vehicle and its parts and equipment are suitable for safe use and are in a thoroughly serviceable condition, or
 - (b) in the case of a heavy vehicle within the meaning of the *Heavy Vehicle National Law (NSW)*—the vehicle complies with the requirements of clause 61 (Number-plates) of Schedule 2 to this Regulation that apply to the vehicle.

Maximum penalty: 20 penalty units.

Note—

Section 60 of the *Heavy Vehicle National Law (NSW)* makes it an offence for a person to use, or permit to be used, on a road a heavy vehicle that contravenes a heavy vehicle standard applying to the vehicle under that Law.

[5] Clause 52 (4) and (5)

Insert “that is a light vehicle” after “registrable vehicle” wherever occurring.

[6] Clause 53 Compliance with vehicle standards

Omit clause 53 (1) (c) and (d). Insert instead:

- (c) the fact that the vehicle and the registered operator of the vehicle are the subject of a national maintenance accreditation, or

- (d) the fact that the vehicle and the registered operator of the vehicle are the subject of accreditation under a non-national maintenance accreditation scheme approved by the Authority.

[7] Clause 55A Modifications to registered light vehicles

Omit “registered vehicle”. Insert instead “registered light vehicle”.

[8] Clause 55A, note

Insert at the end of the clause:

Note—

Section 85 of the *Heavy Vehicle National Law (NSW)* makes it an offence for a person to modify (or to use or permit the use on a road of) a heavy vehicle unless the modification has been approved by:

- (a) an approved vehicle examiner under section 86 of that Law, or
- (b) the National Heavy Vehicle Regulator under section 87 of that Law.

[9] Clause 58 Examiner’s authorities

Omit clause 58 (1) (a). Insert instead:

- (a) to conduct inspections and tests of registrable vehicles at authorised inspection stations for the purposes of determining whether or not the vehicles:
 - (i) are suitable for safe use, or
 - (ii) comply with the requirements of the Act and this Regulation, or
 - (iii) without limitation, comply with the requirements of the *Heavy Vehicle National Law (NSW)* and the regulations in force for the purposes of that Law, and

[10] Part 5, Division 6 Accreditation schemes

Omit the Division.

[11] Clause 76AA Definitions

Insert at the end of the clause:

- (2) Divisions 2 and 3 apply in relation to light vehicles only.

Note—

See Part 3.3 of the *Heavy Vehicle National Law (NSW)* with respect to the modification of heavy vehicles within the meaning of that Law.

[12] Clause 83 Exemption, waiver or refund of accreditation scheme application fee

Omit the clause.

[13] Schedule 2 Vehicle standards

Insert before clause 2:

1A Limited application of Schedule

(1) This Schedule applies to light vehicles only, except as provided by subclause (2).

(2) Clause 61 applies to all registrable vehicles, including heavy vehicles within the meaning of the *Heavy Vehicle National Law (NSW)*.

[14] Schedule 2, clause 2 Application of Division

Omit “every” from clause 2 (1). Insert instead “a”.

[15] Schedule 2, clause 3 Non-application of Schedule—exemption under other laws

Omit the note from the end of the clause.

[16] Schedule 2, clause 5 Interpretation

Omit “(except the diagram in clause 173 (3))” from clause 5 (1).

[17] Schedule 2, clause 5 (1)

Omit the note at the end of the subclause.

[18] Schedule 2, clause 7 Date of manufacture of vehicle

Omit clause 7 (b).

[19] Schedule 2, clause 22 Steering

Omit clause 22 (1).

[20] Schedule 2, clause 22 (2)

Omit “with a GVM not over 4.5 tonnes”.

[21] Schedule 2, clause 32 Mudguards and spray suppression

Omit clause 32 (1). Insert instead:

(1) A vehicle must have firmly fitted a mudguard for each wheel or for adjacent wheels.

[22] Schedule 2, clause 32 (2)

Omit “subclause (1) (a)”. Insert instead “subclause (1)”.

[23] Schedule 2, clause 40 Electrical wiring, connections and installations

Omit “and AS 4735–2003 *Heavy road vehicles—Electrical connectors for articulated vehicles*” from clause 40 (2).

[24] Schedule 2, clause 40 (4)

Omit the subclause.

[25] Schedule 2, clause 47 Windscreen wipers and washers

Omit clause 47 (3).

[26] Schedule 2, clause 53 Tyres for use on vehicles with GVM over 4.5 tonnes

Omit the clause.

[27] Schedule 2, clause 56 Tyre tread

Omit clause 56 (2) (a). Insert instead:

(a) across the tyre width that normally comes into contact with the road, and

[28] Schedule 2, clause 62 Compliance plates to be affixed to certain vehicles

Omit “a tractor, a trailer or an implement”. Insert instead “a tractor or an implement”.

[29] Schedule 2, clause 63 Trailer compliance plates

Omit the clause.

[30] Schedule 2, clause 65 Warning signs for combinations over 22 metres long

Omit the clause.

[31] Schedule 2, clause 66 Warning signs not to be displayed on other vehicles

Omit the clause.

[32] Schedule 2, clause 67 Specifications for warning signs

Omit the clause.

[33] Schedule 2, clause 68 Left-hand drive signs

Omit the clause.

[34] Schedule 2, clause 69 Axle configuration

Omit “, except an articulated bus,” from clause 69 (1).

[35] Schedule 2, clause 69 (2)

Omit the subclause.

[36] Schedule 2, clause 70 Relation between axles in axle group

Omit the clause.

[37] Schedule 2, clause 72 Length of single motor vehicles

Omit “, except an articulated or controlled access bus,” from clause 72 (1).

[38] Schedule 2, clause 77 Height

Omit clause 77 (2).

[39] Schedule 2, clause 78 Ground clearance

Omit the second diagram at the end of the clause (including the title for the diagram).

[40] Schedule 2, Part 4, Division 3

Omit the Division.

[41] Schedule 2, clause 96 Pattern of fitting tail lights

Omit the diagram (and its title) from clause 96 (3).

[42] Schedule 2, clause 124 (11)

Omit the subclause. Insert instead:

(11) In this clause, ***excess weight limits legislation*** means:

(a) the *Heavy Vehicle National Law (NSW)*, or

(b) the *Road Transport (Mass, Loading and Access) Regulation 2005* or any regulation that replaces that Regulation.

[43] Schedule 2, clause 127 Rear marking plates

Omit the clause.

[44] Schedule 2, clause 135 Supply of air or vacuum to brakes

Omit clause 135 (1) (b).

[45] Schedule 2, Part 6, Division 4

Omit the Division.

[46] Schedule 2, clause 156 Exhaust systems

Omit “with a GVM over 4.5 tonnes” wherever occurring.

[47] Schedule 2, clause 160 Stationary noise levels—other vehicles with diesel engines

Omit clause 160 (2) (a), (3) (a) and (4) (a).

[48] Schedule 2, clause 160

Omit “but no more than 12 tonnes” wherever occurring.

Insert instead “but no more than 4.5 tonnes”.

[49] Schedule 2, Part 9

Omit the Part.

[50] Schedule 2, Part 10, Division 2

Omit the Division.

[51] Schedule 2, Part 13

Omit the Part.

[52] Schedule 3 Fees

Omit Part 10.

[53] Dictionary

Omit the definitions of **accreditation scheme**, **Hire Trailer Maintenance Management Accreditation Scheme**, **Maintenance Management Accreditation Scheme** and **Non-national Maintenance Scheme** and both definitions of **nominated vehicle**.

Insert in alphabetical order:

national maintenance management accreditation means maintenance management accreditation within the meaning of the [Heavy Vehicle National Law \(NSW\)](#).

non-national maintenance management accreditation scheme means a scheme for maintenance management accreditation other than national maintenance management accreditation.

[54] Dictionary, definition of “Heavy Vehicle National Law”

Insert in alphabetical order:

Heavy Vehicle National Law means:

(a) the Heavy Vehicle National Law:

(i) as in force from time to time, set out in the Schedule to the *Heavy Vehicle National Law Act 2012* of Queensland, and

(ii) as it applies as a law of New South Wales or another State or a Territory, or

(b) the law of another State or a Territory that substantially corresponds to the law referred to in paragraph (a).

Note—

In relation to the *Heavy Vehicle National Law (NSW)*, see section 4 (Application of Heavy Vehicle National Law) of the *Heavy Vehicle (Adoption of National Law) Act 2013*.

Schedule 3 Amendment of other legislation

3.1 Law Enforcement (Powers and Responsibilities) Act 2002 No 103

Schedule 1 Acts not affected by this Act

Omit “*Road Transport (Vehicle and Driver Management) Act 2005*”.

Insert in alphabetical order:

Heavy Vehicle (Adoption of National Law) Act 2013

Heavy Vehicle National Law (NSW)

3.2 Passenger Transport Regulation 2007

Clause 68S Certain vehicles crossing running line at railway crossing

Omit “*Road Transport (Vehicle and Driver Management) Act 2005*” and “either Act” from clause 68S (2).

Insert instead “*Heavy Vehicle National Law (NSW)*” and “the Act or Law”, respectively.

3.3 Roads Act 1993 No 33

[1] Sections 214 (5) and 216 (4)

Omit “prescribed by or in accordance with” wherever occurring.

Insert instead “(if any) prescribed by or calculated in accordance with”.

[2] Section 223 Roads authorities may charge fees for services

Insert after section 223 (2):

(2A) Without limiting subsections (1) and (2), a roads authority may charge and recover a fee for a route assessment (within the meaning of Part 4.7 of the *Heavy Vehicle National Law (NSW)*) that it carries out.

[3] Section 223 (3)

Omit the subsection. Insert instead:

(3) The amount of a fee must not exceed the maximum fee (if any) prescribed by or calculated in accordance with the regulations for the kind of service concerned.

[4] Section 223A

Insert after section 223:

223A Trial schemes for heavy vehicles

- (1) The regulations may make provision for or with respect to the establishment and operation of trial schemes for the use of heavy vehicles on specified roads.
- (2) Without limiting subsection (1), the regulations may provide for the following:
 - (a) RMS or another roads authority to establish and operate a trial scheme,
 - (b) the criteria and conditions for participation in a trial scheme,
 - (c) the payment of fees or charges for participation in a trial scheme,
 - (d) the amount (or the method for calculating the amount) of fees or charges payable for participation in a trial scheme,
 - (e) the fees or charges payable in connection with a trial scheme to be paid into the RMS Fund,
 - (f) the issuing of permits to authorise participation in a trial scheme,
 - (g) record keeping requirements in connection with a trial scheme,
 - (h) the use of monitoring devices in connection with a trial scheme,
 - (i) the modification of the road transport legislation and the *Heavy Vehicle National Law (NSW)* (including the regulations in force for the purposes of

that Law) to facilitate the establishment and operation of a trial scheme,
(j) the creation of offences in connection with a trial scheme.

(3) In this section:

heavy vehicle has the same meaning as in the *Heavy Vehicle National Law (NSW)*.

modification includes addition, exception, omission or substitution.

[5] Section 225 Certain fines to be paid into RMS Fund

Omit section 225 (a) (ii). Insert instead:

- (ii) Part 3.3 of the former *Road Transport (Vehicle and Driver Management) Act 2005*,
or
- (iii) Chapter 4 (Vehicle operations—mass, dimension and loading) of the *Heavy Vehicle National Law (NSW)* or other provisions of that Law, or regulations in force for the purposes of that Law, prescribed by the regulations, and

3.4 Transport Administration Act 1988 No 109

Section 53 Miscellaneous functions of RMS

Insert at the end of section 53 (1) (d):

, and

- (e) exercise any functions conferred on RMS for the purposes of the Heavy Vehicle National Law (whether conferred by delegation under that Law or under an agreement entered into by RMS for that purpose).

Schedule 4 Heavy Vehicle (Adoption of National Law) Regulation 2013

(Section 3)

1 Name of Regulation

This Regulation is the *Heavy Vehicle (Adoption of National Law) Regulation 2013*.

2 Definitions

(1) In this Regulation:

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

(2) Notes included in this Regulation do not form part of this Regulation.

3 Prescribed offences and penalties for infringement notices

- (1) For the purposes of section 591 of the *Heavy Vehicle National Law (NSW)*:
- (a) each offence created by a provision specified in Column 1 of Schedule 1 is prescribed, and
 - (b) the penalty prescribed for each such offence is the amount specified opposite the provision in Column 2 of the Schedule.
- (2) If the reference to a provision in Column 1 of Schedule 1 is qualified by words that restrict its operation to specified kinds of offences, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or committed in the circumstances so specified.
- (3) A reference in Column 2 of Schedule 1 to a minor risk breach or substantial risk breach in relation to an offence against a provision specified in Column 1 is a reference to a minor risk breach or substantial risk breach in relation to the offence within the meaning of the *Heavy Vehicle National Law (NSW)*.

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 <i>Heavy Vehicle National Law (NSW)</i>	
Section 60 (1) (in the circumstances referred to in paragraph (a) of the penalty provision)	\$300
Section 60 (1) (in the circumstances referred to in paragraph (b) of the penalty provision)	\$600
Section 79 (2)	\$400
Section 81 (1)	\$300
Section 81 (2)	\$300
Section 81 (3)	\$300
Section 82 (2)	\$300
Section 82 (3)	\$300
Section 83 (1)	\$300
Section 83 (2)	\$300
Section 83 (3)	\$300

Section 85 (1)	\$300
Section 85 (2)	\$300
Section 86 (2)	\$300
Section 89 (1)	\$600
Section 90 (1)	\$300
Section 90 (2)	\$300
Section 90 (3)	\$300
Section 92 (2)	\$300
Section 96 (1)	\$400 (for a minor risk breach) \$600 (for a substantial risk breach)
Section 102 (1) (a)	\$300
Section 102 (1) (b)	\$300 (for a minor risk breach) \$500 (for a substantial risk breach)
Section 109 (2)	\$300
Section 111 (1)	\$300 (for a minor risk breach) \$500 (for a substantial risk breach)
Section 129 (1)	\$600
Section 129 (2)	\$600
Section 129 (3)	\$600
Section 130 (2)	\$600
Section 130 (3)	\$600
Section 131 (1)	\$600
Section 132 (2)	\$300
Section 132 (3)	\$300
Section 133 (1)	\$300
Section 133 (2)	\$400
Section 133 (3)	\$300
Section 134 (1)	\$300
Section 134 (2)	\$300
Section 137	\$600
Section 150 (1)	\$600
Section 151 (2)	\$300

Section 151 (3)	\$300
Section 152 (1)	\$300
Section 152 (2)	\$400
Section 152 (3)	\$300
Section 153 (1)	\$300
Section 153 (2)	\$300
Section 181 (3)	\$400
Section 183 (2) (in relation to an offence against section 96)	\$400 (for a minor risk breach) \$600 (for a substantial risk breach)
Section 183 (2) (in relation to an offence against section 102)	\$300 (for a heavy vehicle that does not have goods or passengers) \$300 (for a minor risk breach) \$500 (for a substantial risk breach)
Section 183 (2) (in relation to an offence against section 111)	\$300 (for a minor risk breach) \$500 (for a substantial risk breach)
Section 184 (1)	\$300
Section 185 (1)	\$600
Section 185 (2)	\$600
Section 190 (1)	\$600
Section 191 (1)	\$600
Section 191 (3)	\$600
Section 192 (1)	\$600
Section 192 (2)	\$300
Section 219 (1):	
(a) in the circumstances referred to in paragraph (a) of the penalty provision, or	\$300
(b) in the circumstances referred to in paragraph (b) (i) of the penalty provision, or	\$300
(c) in the circumstances referred to in paragraph (b) (ii) of the penalty provision, or	\$500
(d) in the circumstances referred to in paragraph (c) (i) of the penalty provision, or	\$300

(e) in the circumstances referred to in paragraph (c) (ii) of the penalty provision, or,	\$500
(f) in the circumstances referred to in paragraph (d) (i) of the penalty provision, or	\$500
(g) in the circumstances referred to in paragraph (d) (ii) of the penalty provision.	\$500
Section 250 (1)	\$400 (for a minor risk breach) \$600 (for a substantial risk breach)
Section 251 (1)	\$400 (for a minor risk breach) \$600 (for a substantial risk breach)
Section 254 (1)	\$400 (for a minor risk breach) \$600 (for a substantial risk breach)
Section 256 (1)	\$400 (for a minor risk breach) \$600 (for a substantial risk breach)
Section 258 (1)	\$400 (for a minor risk breach) \$600 (for a substantial risk breach)
Section 260 (1)	\$400 (for a minor risk breach) \$600 (for a substantial risk breach)
Section 263 (1)	\$400
Section 284 (2)	\$600
Section 286 (1)	\$600
Section 287 (2)	\$300
Section 287 (3)	\$300
Section 288 (1)	\$300
Section 288 (2)	\$400
Section 288 (3)	\$300
Section 293 (1)	\$600
Section 296 (1)	\$150
Section 297 (2)	\$300
Section 298 (1)	\$150
Section 299	\$300
Section 301	\$150
Section 302	\$150
Section 303	\$150

Section 305 (1)	\$600
Section 305 (2)	\$300
Section 305 (3)	\$150
Section 306	\$300
Section 307 (2)	\$300
Section 308 (1)	\$300
Section 309 (2)	\$600
Section 310 (2)	\$600
Section 319 (1)	\$600
Section 321 (1)	\$600
Section 321 (2)	\$600
Section 322 (2)	\$300
Section 323 (2)	\$300
Section 341 (1)	\$600
Section 341 (2)	\$600
Section 341 (3)	\$300
Section 341 (4)	\$300
Section 354 (3)	\$600
Section 354 (5)	\$600
Section 355 (2)	\$600
Section 355 (4)	\$600
Section 355 (6)	\$600
Section 373 (2)	\$600
Section 375	\$600
Section 376 (2)	\$300
Section 376 (3)	\$300
Section 377	\$300
Section 392 (2)	\$600
Section 395	\$600
Section 396 (2)	\$600
Section 399 (2)	\$600

Section 467	\$600
Section 468 (1)	\$300
Section 468 (3)	\$300
Section 469 (2)	\$400
Section 470 (3)	\$600
Section 470 (8)	\$300
Section 471 (2)	\$600
Section 471 (3)	\$400
Section 476 (2)	\$600
Section 488	\$300
Section 513 (4)	\$600
Section 514 (3)	\$600
Section 516 (3)	\$600
Section 517 (4)	\$600
Section 522 (5)	\$600
Section 524 (5)	\$600
Section 526 (4)	\$300
Section 528 (3)	\$300
Section 529	\$300
Section 533 (7)	\$1000
Section 534 (5)	\$1000
Section 567 (4)	\$300
Section 568 (3) (for a failure to produce a work diary for inspection)	\$600
Section 568 (3) (for a failure to produce any other document, device or thing for inspection)	\$300
Section 568 (7)	\$300
Section 569 (2)	\$600
Section 569 (7)	\$300
Offences under <i>Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)</i>	
Section 11 (1)	\$300

Section 16 (2)	\$300
Section 28	\$300
Section 34 (2)	\$400
Section 36 (2)	\$300