

Passed by both Houses



New South Wales

Heavy Vehicle (Adoption of National Law) Amendment Bill 2013

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Heavy Vehicle (Adoption of National Law) Regulation 2013	2
4 Repeal of existing heavy vehicle legislation	2
5 Repeal of this Act	2
Schedule 1 Amendment of Heavy Vehicle (Adoption of National Law) Act 2013 No 42	3
Schedule 2 Amendment of road transport legislation	29
Schedule 3 Amendment of other legislation	49
Schedule 4 Heavy Vehicle (Adoption of National Law) Regulation 2013	51

I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2013



New South Wales

Heavy Vehicle (Adoption of National Law) Amendment Bill 2013

Act No , 2013

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.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts:

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 Amendment of Heavy Vehicle (Adoption of National Law) Act 2013 No 42

[1] Section 3 Definitions

Insert in alphabetical order in section 3 (1):

local regulations—see section 28.

road transport legislation has the same meaning as in the *Road Transport Act 2013*.

[2] Section 3 (1), definition of “modification”

Insert “exception,” after “addition,”.

[3] Section 3 (3)

Insert “(other than in Schedules 1 and 2)” after “in this Act”.

[4] Section 4 Application of Heavy Vehicle National Law

Omit section 4 (a). Insert instead:

- (a) applies as a law of this jurisdiction, subject to the modifications set out in Schedule 1, and

[5] Section 5

Omit the section. Insert instead:

5 Application of regulations under Heavy Vehicle National Law

Each of the national regulations:

- (a) applies as a regulation in force for the purposes of the *Heavy Vehicle National Law (NSW)*, subject to the modifications (if any) set out in Schedule 2 for that regulation, and
- (b) as so applying may be referred to by its citation with “(NSW)” added at the end of that citation.

[6] Section 6 Exclusion of legislation of this jurisdiction

Omit “regulations under this Act” wherever occurring. Insert instead “local regulations”.

[7] Section 8A

Insert after section 8:

8A Declaration about industrial relations status of Regulator

- (1) For the avoidance of doubt, it is declared that:
 - (a) the Regulator is not an employer of State public sector employees for the purposes of the *Industrial Relations (Commonwealth Powers) Act 2009*, and
 - (b) it is the intention of the Parliament that the Regulator be a national system employer for the purposes of the *Fair Work Act 2009* of the Commonwealth.
- (2) Nothing in any Act (whether enacted before or after the commencement of this section) is to be taken to prevent the Regulator from being a national system employer for the purposes of the *Fair Work Act 2009* of the Commonwealth.

[8] Section 9 Interpretation of certain expressions

Omit “*Heavy Vehicle National Regulations (NSW)*”.

Insert instead “regulations in force for the purposes of that Law”.

[9] Section 10 Police officers who are authorised officers

Omit “an authorised officer”. Insert instead “an *authorised officer*”.

[10] Section 11 Authorised warrant official

Omit “an authorised warrant official”. Insert instead “an *authorised warrant official*”.

[11] Section 12

Omit the section. Insert instead:

12 Infringement notices

- (1) The following are declared to be the *Infringement Notice Offences Law* for the purposes of the *Heavy Vehicle National Law (NSW)*:
 - (a) the other provisions of this section and any local regulations made for the purposes of this section, and
 - (b) the *Fines Act 1996*.
- (2) An infringement notice issued under section 591 of the *Heavy Vehicle National Law (NSW)*:
 - (a) may be called and issued as a penalty notice rather than as an infringement notice, and
 - (b) is declared to be a penalty notice for the purposes of the *Fines Act 1996*.
- (3) An infringement notice may be served personally or by post.
- (4) If the amount of penalty prescribed for an alleged offence is paid in respect of an infringement notice, no person is liable to any further proceedings for the alleged offence.
- (5) Payment of an amount in respect of an infringement notice is not to be regarded as an admission of liability for the purpose of, and does not in any way affect or prejudice, any civil claim, action or proceeding arising out of the same occurrence.
- (6) The local regulations may:
 - (a) prescribe an offence for the purposes of section 591 of the *Heavy Vehicle National Law (NSW)* by specifying the offence or by referring to the provision creating the offence, and
 - (b) prescribe the amount of penalty payable for the offence if dealt with under that section, and
 - (c) prescribe different amounts of penalties for different offences or classes of offences, and
 - (d) prescribe different amounts of penalties for the same kind of offence or class of offence committed in specified circumstances.
- (7) The amount of a penalty prescribed by the local regulations under this section for an offence is not to exceed 10 percent of the maximum amount of penalty that could be imposed for the offence by a court.

- (8) This section and section 591 of the *Heavy Vehicle National Law (NSW)* do not limit the operation of any other provision of, or made under, this Act or the Law or any other Act relating to proceedings that may be taken in respect of offences.

[12] Section 13 Local government authority

Omit “a local government authority”. Insert instead “a *local government authority*”.

[13] Section 14 Relevant tribunal or court

Omit “the relevant tribunal or court”. Insert instead “the *relevant tribunal or court*”.

[14] Section 15 Responsible Minister

Omit “the responsible Minister”. Insert instead “the *responsible Minister*”.

[15] Section 16 Road authority

Omit “the road authority”. Insert instead “the *road authority*”.

[16] Section 17

Omit the section. Insert instead:

17 Road manager

- (1) Except as provided by subsection (2), the following are declared to be the *road manager* for a road in this jurisdiction for the purposes of the *Heavy Vehicle National Law (NSW)*:

- (a) for a public road—the roads authority for the road under the *Roads Act 1993*,
(b) for a private road—the owner of the road.

Note. See section 5 of the *Heavy Vehicle National Law (NSW)* for the definition of *road manager*.

- (2) RMS is declared to be the *road manager* for each of the following roads (regardless of whether it is the roads authority under the *Roads Act 1993* for the road or the owner of the road):
- (a) a road in respect of which RMS performs under that Act some or all of the functions of the roads authority instead of the authority (whether under an agreement or otherwise),
(b) a road that is a tollway or transitway.
- (3) To avoid doubt, a reference in this section to a roads authority is not affected by section 16 (which declares RMS to be the road authority for the purposes of the *Heavy Vehicle National Law (NSW)*).
- (4) A term used in this section that is defined for the purposes of the *Roads Act 1993* has the same meaning as in that Act.

[17] Section 18

Omit the section. Insert instead:

18 Road Rules

The *Road Rules 2008* (or any rules made under the *Road Transport Act 2013* that replace those Rules) are declared to be the *Road Rules* for the purposes of

the *Heavy Vehicle National Law (NSW)*.

Note. See section 5 of the *Heavy Vehicle National Law (NSW)* for the definition of **Road Rules**.

[18] Section 21 Primary WHS Law

Omit “the primary WHS Law”. Insert instead “the *primary WHS Law*”.

[19] Section 22 Meaning of relevant law

Omit section 22 (b). Insert instead:

- (b) the road transport legislation,

[20] Section 22 (e) and (f)

Omit section 22 (e). Insert instead:

- (e) the *Photo Card Act 2005*,
(f) any other Act or statutory rule prescribed by the local regulations.

[21] Part 4

Omit the Part. Insert instead:

Part 4 Authorisations

23 Authority to use force

- (1) An authorised officer who is a police officer is authorised to use force against a person in the exercise, or purported exercise, of a function under the *Heavy Vehicle National Law (NSW)*.

Note. See section 491 (Use of force against persons) of the *Heavy Vehicle National Law (NSW)*.

- (2) An authorised officer is authorised to use force against property for the purposes of a power referred to in section 492 (1) of the *Heavy Vehicle National Law (NSW)*.
- (3) For the avoidance of doubt, the force that may be used by an authorised officer is such force as would be reasonably necessary in the circumstances for the exercise of the power concerned.

24 Authority to seize heavy vehicles or things

Section 552 (1) of the *Heavy Vehicle National Law (NSW)* does not apply to an authorised officer who is a police officer impounding or seizing a heavy vehicle or thing under an Act or other law of this jurisdiction.

Note. See section 552 (2) of the *Heavy Vehicle National Law (NSW)*.

25 RMS authorised to provide information and assistance to Regulator

- (1) Despite any other Act or law, RMS is authorised, on RMS’s own initiative or at the request of the Regulator:
- (a) to provide the Regulator with such information (including information given in confidence) in the possession or control of RMS that is reasonably required by the Regulator for the purposes of this Act or the *Heavy Vehicle National Law (NSW)*, and
- (b) to provide the Regulator with such other assistance as is reasonably required by the Regulator to perform or exercise a function or power under this Act or the *Heavy Vehicle National Law (NSW)*.

- (2) Despite any other Act or law, RMS may authorise the Regulator to disclose information provided under subsection (1) even if the information was given to RMS in confidence.
- (3) Nothing done, or authorised to be done, by RMS in acting under subsection (1) or (2):
 - (a) constitutes a breach of, or default under, an Act or other law, or
 - (b) constitutes a breach of, or default under, a contract, agreement, understanding or undertaking, or
 - (c) constitutes a breach of duty of confidence (whether arising by contract, in equity or by custom) or in any other way, or
 - (d) constitutes a civil or criminal wrong, or
 - (e) terminates an agreement or obligation or fulfils any condition that allows a person to terminate an agreement or obligation, or gives rise to any other right or remedy, or
 - (f) releases a surety or any other obligee wholly or in part from an obligation.

25A Authorisation for section 688 of Heavy Vehicle National Law (NSW) (Payments into Fund)

For the purposes of section 688 of the *Heavy Vehicle National Law (NSW)*, an amount equal to any regulatory component that may be prescribed by the national regulations for the purposes of the definition of **road use component** in section 688 (3) of that Law, is authorised to be paid into the National Heavy Vehicle Regulator Fund until Chapter 2 of that Law comes into force in New South Wales.

[22] Part 5

Omit the Part. Insert instead:

Part 5 Enforcement of Heavy Vehicle National Law (NSW)

Division 1 Powers of authorised officers

26 Requirement for driver of heavy motor vehicle to produce Australian driver licence

- (1) An authorised officer may, for compliance purposes, require the driver of a heavy motor vehicle to produce the driver's relevant Australian driver licence.
- (2) A person must not refuse to comply with a requirement of an authorised officer under subsection (1).
Maximum penalty: 20 penalty units.
- (3) Nothing in this section limits the power conferred on authorised officers under the *Road Transport Act 2013* by section 174 of that Act.
- (4) In this section:
driver has the same meaning as in section 175 of the *Road Transport Act 2013*.
relevant Australian driver licence has the same meaning as in the *Road Transport Act 2013*.

27 RMS may exercise powers of authorised officer

- (1) Despite anything to the contrary in the *Heavy Vehicle National Law (NSW)*, RMS may exercise any power conferred by or under that Law on an authorised officer (other than a power that requires the physical presence of an authorised officer).
- (2) The exercise by RMS of such a power has effect for the purposes of the *Heavy Vehicle National Law (NSW)* as if it had been exercised by an authorised officer under that Law.

27A Exercise of powers under other law enforcement legislation

- (1) This section applies if an authorised officer under the *Heavy Vehicle National Law (NSW)* is also:
 - (a) an authorised officer under the *Road Transport Act 2013*, or
 - (b) a police officer.
- (2) For the avoidance of doubt, an authorised officer to whom this section applies may, on the same occasion, exercise the various powers conferred on the officer by or under law enforcement legislation as well as the powers conferred on the officer by or under this Act or the *Heavy Vehicle National Law (NSW)* if the circumstances permit the exercise of both sets of powers on that occasion.
- (3) In this section:
law enforcement legislation means:
 - (a) the road transport legislation, or
 - (b) the *Law Enforcement (Powers and Responsibilities) Act 2002* or any other Act or statutory rule that confers or imposes law enforcement functions on police officers.

Division 2 Offences and legal proceedings

27B Persons who may commence proceedings for offences

Proceedings for an offence against the *Heavy Vehicle National Law (NSW)* or the regulations in force for the purposes of that Law may be commenced by:

- (a) the Regulator, or
- (b) RMS, or
- (c) a person who is authorised in writing to do so either generally or in any particular case by the Regulator or RMS, or
- (d) a police officer.

27C Double jeopardy

A person who has been punished for an act or omission or circumstances constituting an offence against the road transport legislation cannot be punished for an offence against the *Heavy Vehicle National Law (NSW)* or the regulations in force for the purposes of that Law arising from the same act or omission or circumstances.

Note. See 634 (2) of the *Heavy Vehicle National Law (NSW)* in relation to the punishment of an offender for offences under that Law in circumstances where the offender has already been punished under the Heavy Vehicle National Law applying in another participating jurisdiction.

27D Offences for which mistake of fact defence unavailable

The effect of a provision to which section 14 of the *Heavy Vehicle National Law (NSW)* applies is that it is not a defence to the offence concerned for the person charged with the offence to prove that, at or before the time of the act or omission or circumstances constituting the offence, the person was under a mistaken but honest and reasonable belief about facts which, had they existed, would have meant that the act or omission or circumstances would not have constituted an offence.

Note. Section 14 of the *Heavy Vehicle National Law (NSW)* provides that the effect of a provision of that Law that states that a person charged with an offence does not have the benefit of the mistake of fact defence for an offence is the effect specified by a law of the jurisdiction.

27E Evidence of speed

- (1) Part 5.3 (Traffic control and monitoring) of the *Road Transport Act 2013* provides for the use of evidence obtained under that Part in connection with proceedings for speeding offences.
- (2) Section 121 of the *Road Transport Act 2013* defines a *speeding offence* to include 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.
- (3) Accordingly, evidence of speed obtained under Part 5.3 of the *Road Transport Act 2013* may be given in proceedings for such an offence against the *Heavy Vehicle National Law (NSW)* or the regulations in force for the purposes of that Law in accordance with the provisions of that Part in the same way as for speeding offences under the road transport legislation.
- (4) For the avoidance of doubt, if a heavy vehicle that is being towed is attached to a heavy vehicle, the heavy vehicle and the towing heavy vehicle are to be taken to be travelling at the same speed for the purposes of proceedings for such a speeding offence involving the vehicles.
- (5) Neither Part 5.3 of the *Road Transport Act 2013* nor this section derogate from any other mode of proof of the speed of the heavy vehicle for the purposes of the *Heavy Vehicle National Law (NSW)*.

27F Section 10 of Crimes (Sentencing Procedure) Act 1999 not applicable in certain circumstances

- (1) Section 10 of the *Crimes (Sentencing Procedure) Act 1999* does not apply if a person is charged before a court with an applicable heavy vehicle offence if, at the time of or during the period of 5 years immediately before the court's determination in respect of the charge, that section is or has been applied to or in respect of the person in respect of a charge for another applicable heavy vehicle offence (whether of the same or a different kind).
- (2) Each of the following is an *applicable heavy vehicle offence* for the purposes of subsection (1):
 - (a) an offence against the *Heavy Vehicle National Law (NSW)* that involves a severe risk breach of a mass, dimension or load restraint requirement under that Law,
 - (b) an offence against Chapter 5 (Vehicle operations—speeding) of the *Heavy Vehicle National Law (NSW)*,
 - (c) an offence against Chapter 6 (Vehicle operations—driver fatigue) of the *Heavy Vehicle National Law (NSW)*,

- (d) an offence referred to in section 203 (2) (e) or (f) of the *Road Transport Act 2013* (as in force immediately before its amendment by the *Heavy Vehicle (Adoption of National Law) Amendment Act 2013*) or a former corresponding offence,
- (e) an offence of aiding, abetting, counselling or procuring the commission of an offence referred to in paragraph (a), (b), (c) or (d).

(3) In this section:

former corresponding offence means an offence against a provision of an Act or statutory rule that is a former corresponding provision within the meaning of the *Road Transport Act 2013* in relation to a provision referred to in section 203 (2) (e) or (f) of that Act (as in force immediately before its amendment by the *Heavy Vehicle (Adoption of National Law) Amendment Act 2013*).

[23] Section 28 Local regulations

Omit “make regulations,” from section 28 (1).

Insert instead “make regulations (***local regulations***),”.

[24] Section 28 (2)

Omit “make regulations”. Insert instead “make local regulations”.

[25] Section 28 (3)

Omit “the regulations” wherever occurring. Insert instead “the local regulations”.

[26] Section 28 (3) (a)

Omit the paragraph. Insert instead:

- (a) amend Schedules 1 and 2 to insert, vary or omit modifications to the Heavy Vehicle National Law set out in the Schedule to the Queensland Act, or to the national regulations, for the purpose of altering their application in New South Wales to heavy vehicles and to persons and bodies in connection with heavy vehicles, and

[27] Section 28 (3) (b) and (c)

Omit the paragraphs.

[28] Section 28 (3A)

Insert after section 28 (3):

- (3A) Without limiting subsection (3) (a), local regulations that amend Schedule 2 may amend that Schedule so as to insert, vary or omit modifications to any national regulations (including any national regulations that were not included in Schedule 2 when it first commenced).

[29] Section 28 (4)

Omit “regulations”. Insert instead “local regulations”.

[30] Section 28 (5)

Omit the subsection.

[31] Sections 29 and 30

Insert after section 28:

29 Proceedings for offences against this Act and the local regulations

Proceedings for an offence against this Act or the local regulations are to be dealt with summarily before the Local Court.

Note. Section 195 of the *Road Transport Act 2013* enables an authorised officer to issue penalty notices for offences against this Act or the local regulations that are prescribed as a penalty notice offence by the statutory rules for the purposes of that section.

30 Effect of amendment, repeal or expiry of modification

- (1) Part 6 of Schedule 1 to the *Heavy Vehicle National Law (NSW)* applies to the amendment, repeal or expiry of a modification set out in Schedule 1 or 2 to this Act in the same way as it applies to the amendment, repeal or expiry of a provision of that Law.
- (2) However, the repeal or expiry of a modification has the effect of reviving the modified provision to its unmodified state except to the extent (if any) that the local regulations otherwise provide, whether expressly or by implication.

[32] Schedules 1–3

Omit Schedule 1. Insert instead:

**Schedule 1 Modification of Heavy Vehicle National Law
as applying in New South Wales**

(Section 4 (a))

Note. The Heavy Vehicle National Law applies in this jurisdiction with the modifications set out in this Schedule.

1.1 Modifications relating to registration

[1] Section 4 Regulatory framework to achieve object

Omit section 4 (b).

[2] Section 4

Insert at the end of the section:

Note— Paragraph (b) is omitted for New South Wales pending the commencement of the national scheme for the registration of heavy vehicles under this Law.

[3] Section 5 Definitions

Omit the definitions of *conditionally registered*, *GCM*, *GVM*, *registration*, *registration exemption*, *registration number*, *unregistered heavy vehicle*, *unregistered heavy vehicle permit* and *vehicle register*.

Insert in alphabetical order:

Australian registration law means—

- (a) Chapter 4 (Vehicle registration) of the *Road Transport Act 2013* of New South Wales and any statutory rules made for the purposes of that Chapter (within the meaning of that Act); or

(b) a law of another jurisdiction that substantially corresponds to the legislation referred to in paragraph (a).

Note— This definition is inserted for New South Wales pending the commencement of the national scheme for the registration of heavy vehicles under this Law. See, in particular, the *Road Transport (Vehicle Registration) Regulation 2007* of New South Wales for a statutory rule made for the purposes of Chapter 4 of the *Road Transport Act 2013* of New South Wales.

certificate of registration, for a heavy motor vehicle, means a certificate relating to the registration of the vehicle under an Australian registration law.

Note— This definition is inserted for New South Wales pending the commencement of the national scheme for the registration of heavy vehicles under this Law.

conditionally registered, for a heavy motor vehicle, means the vehicle is registered under an Australian registration law subject to conditions.

Note— This is a substituted definition for New South Wales pending the commencement of the national scheme for the registration of heavy vehicles under this Law.

GCM (gross combination mass), of a motor vehicle, means the vehicle's GCM as defined in section 4 (1) of the *Road Transport Act 2013* of New South Wales.

Note— This is a substituted definition for New South Wales pending the commencement of the national scheme for the registration of heavy vehicles under this Law.

GVM (gross vehicle mass), of a vehicle, means the vehicle's GVM as defined in section 4 (1) of the *Road Transport Act 2013* of New South Wales.

Note— This is a substituted definition for New South Wales pending the commencement of the national scheme for the registration of heavy vehicles under this Law.

registration, of a heavy vehicle, means registration in Australia of the vehicle as defined in section 7 (2) of the *Road Transport Act 2013* of New South Wales.

Note— This is a substituted definition for New South Wales pending the commencement of the national scheme for the registration of heavy vehicles under this Law.

registration exemption means an exemption under an Australian registration law from the requirement for a heavy vehicle to be registered under the registration law.

Note— This is a substituted definition for New South Wales pending the commencement of the national scheme for the registration of heavy vehicles under this Law.

registration number, for a heavy vehicle, means the identifying number, however described, given to the vehicle in connection with the registration of the vehicle under an Australian registration law.

Note— This is a substituted definition for New South Wales pending the commencement of the national scheme for the registration of heavy vehicles under this Law.

RMS means Roads and Maritime Services constituted under the *Transport Administration Act 1988* of New South Wales.

Note— This definition is inserted for New South Wales pending the commencement of the national scheme for the registration of heavy vehicles under this Law.

unregistered heavy vehicle means a heavy vehicle that is not registered in a vehicle register.

Note— This is a substituted definition for New South Wales pending the commencement of the national scheme for the registration of heavy vehicles under this Law.

unregistered heavy vehicle permit means a permit issued under an Australian registration law authorising the use of an unregistered heavy vehicle on a road.

Note— This is a substituted definition for New South Wales pending the commencement of the national scheme for the registration of heavy vehicles under this Law.

vehicle register means an Australian registrable vehicles register as defined in section 4 (1) of the *Road Transport Act 2013* of New South Wales.

Note— This is a substituted definition for New South Wales pending the commencement of the national scheme for the registration of heavy vehicles under this Law.

[4] **Section 6 Meaning of heavy vehicle**

Omit “other than in relation to registration under this Law” from section 6 (2).

[5] **Section 6 (2)**

Insert at the end of the subsection:

Note— Subsection 6 (2) is amended for New South Wales pending the commencement of the national scheme for the registration of heavy vehicles under this Law by omitting “other than in relation to registration under this Law”.

[6] **Chapter 2**

Omit the Chapter. Insert instead:

Chapter 2 Registration

Note— Chapter 2 is omitted for New South Wales pending the commencement of the national scheme for the registration of heavy vehicles under this Law. Heavy vehicles will continue to be registered under the local law of each participating jurisdiction until that commencement. For New South Wales, see the *Road Transport Act 2013*.

[7] **Section 60 Compliance with heavy vehicle standards**

Omit section 60 (3)–(5). Insert instead:

- (3) A person does not commit an offence against subsection (1) in relation to a heavy vehicle’s noncompliance with a heavy vehicle standard if, and to the extent, the noncompliance relates to a noncompliance—
 - (a) if the vehicle is registered under the *Road Transport Act 2013* of New South Wales—known to RMS; or
 - (b) if the vehicle is registered under another Australian registration law—known to the government entity of the jurisdiction responsible for administering the registration law when the vehicle was registered under that registration law.
- (4) For the purposes of subsection (3), RMS, or the jurisdiction’s government entity, is taken to know of a heavy vehicle’s noncompliance with a heavy vehicle standard when the vehicle was registered under an Australian registration law if the noncompliance is mentioned in—

- (a) an operations plate that was installed on the vehicle when it was registered; or
 - (b) a certificate of approved operations issued for the vehicle and in force when the vehicle was registered; or
 - (c) a document obtained by RMS or the government entity under an Australian registration law in connection with the registration of the vehicle.
- (5) Subsection (3) applies only if the heavy vehicle, and its use on a road, complies with the conditions of the registration.

Note— Subsections (3)–(5) are substituted provisions for New South Wales pending the commencement of the national scheme for the registration of heavy vehicles under this Law.

[8] Section 458 Regulator’s power to grant heavy vehicle accreditation

Omit “under this Law” from section 458 (a).

[9] Section 458

Insert at the end of the section:

Note— Section 458 (a) is amended for New South Wales pending the commencement of the national scheme for the registration of heavy vehicles under this Law by omitting “under this Law”.

[10] Section 520 Power to enter and inspect heavy vehicles for monitoring purposes

Insert “or an Australian registration law” after “this Law” in section 520 (2) (b).

[11] Section 520 (2)

Insert at the end of the subsection:

Note— Subsection (2) (b) is amended for New South Wales pending the commencement of the national scheme for the registration of heavy vehicles under this Law by inserting “or an Australian registration law” after “this Law”.

[12] Section 521 Power to enter and search heavy vehicle involved, or suspected to be involved, in an offence etc.

Insert “or an Australian registration law” after “this Law” in section 521 (3) (c).

[13] Section 521 (3)

Insert at the end of the subsection:

Note— Subsection (3) (c) is amended for New South Wales pending the commencement of the national scheme for the registration of heavy vehicles under this Law by inserting “or an Australian registration law” after “this Law”.

[14] Section 527 Requirements about vehicle defect notice

Omit section 527 (1) (i). Insert instead:

- (i) that, if the notice is not cleared by the Regulator under section 530, the vehicle’s registration in the NSW registrable vehicles register under the *Road Transport Act 2013* of New South Wales may be suspended or cancelled under that Act;

Note— This paragraph is substituted for New South Wales pending the commencement of the national scheme for the registration of heavy vehicles under this Law.

[15] Section 598 Power to cancel or suspend vehicle registration

Omit “the Regulator is” from section 598 (5).

Insert instead “the Regulator and RMS are”.

[16] Section 598 (5)

Insert at the end of the subsection:

Note— This subsection is amended for New South Wales pending the commencement of the national scheme for the registration of heavy vehicles under this Law by replacing “the Regulator is” with “the Regulator and RMS are”.

[17] Section 598 (6)

Insert after section 598 (5):

(6) In this section—

registration means registration in the NSW registrable vehicles register under the *Road Transport Act 2013* of New South Wales.

Note— This subsection is inserted for New South Wales pending the commencement of the national scheme for the registration of heavy vehicles under this Law.

[18] Section 659 Functions of Regulator

Omit section 659 (2) (a) (i).

[19] Section 659 (2)

Insert at the end of the subsection:

Note— Paragraph (a) (i) is omitted for New South Wales pending the commencement of the national scheme for the registration of heavy vehicles under this Law.

[20] Section 711 Evidence by certificate by Regulator and RMS generally

Omit “registered under this Law” wherever occurring in section 711 (1) (a), (b), (c) and (d).

Insert instead “registered”.

[21] Section 711 (1) (h)

Omit the paragraph. Insert instead:

(h) a stated registration was or was not amended, suspended or cancelled or a stated heavy vehicle accreditation, exemption, authorisation, permit or other authority under this Law was or was not amended, suspended or cancelled under this Law; or

[22] Section 711 (1)

Insert at the end of the subsection:

Note— This subsection is amended for New South Wales pending the commencement of the national scheme for the registration of heavy vehicles under this Law by replacing “registered under this Law” with “registered”. Paragraph (h) is also substituted for New South Wales.

[23] Section 711 (1A)

Insert after section 711 (1):

- (1A) Without limiting section 712, a certificate purporting to be issued by RMS and stating a matter referred to in section 711 (1) (a)–(d) and (h), at a stated time or during a stated period, is evidence of the matter.

Note— This subsection is inserted for New South Wales pending the commencement of the national scheme for the registration of heavy vehicles under this Law.

1.2 Modifications relating to other matters

[1] Section 5 Definitions

Insert in alphabetical order:

private hire vehicle means a private hire vehicle within the meaning of the *Passenger Transport Act 1990* of New South Wales.

Note— This definition is inserted for New South Wales.

public passenger service means a public passenger service within the meaning of the *Passenger Transport Act 1990* of New South Wales.

Note— This definition is inserted for New South Wales.

[2] Section 93 Person must not tamper with speed limiter fitted to heavy vehicle

Insert after section 93 (8):

- (8A) Nothing in this section limits the application of Part 6.2 (Speed limiting of heavy vehicles) of the *Road Transport Act 2013* of New South Wales to a heavy vehicle to which that Part applies.

Note— This subsection is inserted for New South Wales. Part 6.2 of the *Road Transport Act 2013* of New South Wales provides that the responsible person for a vehicle to which that Part applies is guilty of an offence unless the vehicle is speed limiter compliant (within the meaning of that Part) when the vehicle is being driven on a road.

[3] Section 93A

Insert after section 93:

93A Monitoring of heavy vehicles and vehicles carrying dangerous goods [NSW]

- (1) Part 6.1 of the *Road Transport Act 2013* of New South Wales makes provision for the monitoring of the journeys on roads of certain heavy vehicles with GVMs or GCMs exceeding 13.9 tonnes and vehicles carrying dangerous goods.
- (2) The requirements of that Part are in addition to, and do not limit the effect of, any other provisions of this Law concerning the use of monitoring devices or equipment (such as intelligent transport systems) and the keeping of journey documentation or other records for a heavy vehicle.

Note— This section is inserted for New South Wales.

[4] Sections 203A and 203B

Insert after section 203:

203A Exemptions for emergency services [NSW]

- (1) A person who is an officer, member or member of staff of an emergency service is exempt from the provisions of this Chapter, but only in relation to the driving of a heavy vehicle in the course of undertaking work for an emergency service.
- (2) An *emergency service* is any of the following—
 - (a) the NSW State Emergency Service established under the *State Emergency Service Act 1989* of New South Wales;
 - (b) Fire and Rescue NSW and any permanent fire brigade or volunteer fire brigade within the meaning of the *Fire Brigades Act 1989* of New South Wales;
 - (c) the NSW Rural Fire Service established by the *Rural Fires Act 1997* of New South Wales;
 - (d) the Ambulance Service of NSW within the meaning of the *Health Services Act 1997* of New South Wales;
 - (e) the NSW Police Force established by the *Police Act 1990* of New South Wales;
 - (f) New South Wales Volunteer Rescue Association Inc;
 - (g) a government agency of another jurisdiction, or a body authorised under the law of another jurisdiction, that has corresponding functions to the bodies referred to in any of the above paragraphs.

Note— This section is inserted for New South Wales.

203B Exemptions for buses and private hire vehicles [NSW]

- (1) A person is exempt from the requirements of this Chapter (other than those of sections 205 and 206) in relation to the driving of a heavy vehicle that is a private hire vehicle or a bus.
- (2) Subsection (1) does not apply to the driving of a bus for the purpose of providing a public passenger service.

Note— Persons carrying on public passenger services by means of a bus are required to be accredited under the *Passenger Transport Act 1990* of New South Wales.

Note— This section is inserted for New South Wales.

[5] Sections 222A and 222B

Insert after section 222:

222A Exemptions for accredited service operators and their drivers [NSW]

- (1) Section 459 (3) and (4) do not apply in relation to an accredited service operator.
- (2) The BFM standards and AFM standards relating to assessing a driver's health to determine his or her fitness to drive do not apply in relation to an accredited service operator to the extent that those standards are relevant for the purposes of sections 459 and 467.

- (3) Section 468 does not apply to the driver of a bus that is a fatigue-regulated heavy vehicle when the driver is driving the bus for an accredited service operator if—
 - (a) the bus is on a journey that is less than 100 kilometres from the driver's base; or
 - (b) the bus is being used to provide a regular bus service under a service contract (regardless of the distance travelled).
- (4) In this section—
accredited service operator, *regular bus service* and *service contract* have the same meanings as in the *Passenger Transport Act 1990* of New South Wales.

Note— This section is inserted for New South Wales.

222B Exemptions for certain buses and private hire vehicles [NSW]

- (1) A person is exempt from the requirements of this Chapter (other than those of Division 2 of Part 6.2) in relation to the driving of a private hire vehicle, or the driving of a bus, that is a fatigue-regulated heavy vehicle.
- (2) Subsection (1) does not apply to the driving of a bus for the purpose of providing a public passenger service.
Note— Persons carrying on public passenger services by means of a bus are required to be accredited under the *Passenger Transport Act 1990* of New South Wales.

Note— This section is inserted for New South Wales.

[6] Section 246 Counting periods of less than 15 minutes

Insert at the end of the section:

- (5) This section does not apply to the work time and rest time of a driver of a fatigue-regulated heavy vehicle that is a bus on a journey undertaken in accordance with a service contract entered into under Part 3 of the *Passenger Transport Act 1990* of New South Wales.
Note— Subsection (5) is inserted for New South Wales.

[7] Sections 248A and 248B

Insert after section 248:

248A Occupying driver's seat to count as rest time in certain circumstances [NSW]

- (1) A period during which the driver of a fatigue-regulated heavy vehicle occupies the driver's seat of the vehicle while its engine is running counts as rest time rather than work time if—
 - (a) the vehicle is stationary during that period; and
 - (b) the driver is not subject to work demands during that period; and
 - (c) the period is at least 15 minutes or forms part of a period of rest time of at least 15 minutes.

Note— Section 246 provides for the manner in which periods of rest time are to be calculated.

- (2) This section has effect despite paragraph (d) of the definition of *work* in section 221.

Note— This section is inserted for New South Wales.

248B Certain personal activities may be counted as part of rest time [NSW]

- (1) A rest period of at least 24 continuous hours of stationary rest time that is required to be taken by a driver of a fatigue-regulated heavy vehicle under this Chapter may include a period of up to one continuous hour of permitted personal activity that is to be treated as part of that rest time, but only if—
 - (a) the permitted personal activity is not done at the direction of the driver's employer or for fee or reward; and
 - (b) the beginning of the period of permitted personal activity occurs at least 3 hours after the beginning of the 24-hour rest period; and
 - (c) the end of the period of permitted personal activity occurs at least 3 hours before the end of the 24-hour rest period.
- (2) A *permitted personal activity* means any of the following—
 - (a) cleaning or refuelling a fatigue-regulated heavy vehicle;
 - (b) driving a fatigue-regulated heavy vehicle.
- (3) This section has effect despite the definitions of *rest* and *work* in section 221.

Note— This section is inserted for New South Wales.

[8] Sections 265 and 265A

Omit section 265. Insert instead:

265 Exemptions for emergency services [NSW]

- (1) A person who is an officer, member or member of staff of an emergency service is exempt from the provisions of this Chapter, but only in relation to the driving of a fatigue-regulated heavy vehicle in the course of undertaking work for an emergency service.
- (2) An *emergency service* is any of the following—
 - (a) the NSW State Emergency Service established under the *State Emergency Service Act 1989* of New South Wales;
 - (b) Fire and Rescue NSW and any permanent fire brigade or volunteer fire brigade within the meaning of the *Fire Brigades Act 1989* of New South Wales;
 - (c) the NSW Rural Fire Service established by the *Rural Fires Act 1997* of New South Wales;
 - (d) the Ambulance Service of NSW within the meaning of the *Health Services Act 1997* of New South Wales;
 - (e) the NSW Police Force established by the *Police Act 1990* of New South Wales;
 - (f) New South Wales Volunteer Rescue Association Inc;
 - (g) a government agency of another jurisdiction, or a body authorised under the law of another jurisdiction, that has corresponding functions to the bodies referred to in any of the above paragraphs.
- (3) The exemption provided by this section is in addition to, and does not limit the effect of, the exemption provided by section 265A.

Note— This section is substituted for New South Wales.

265A Exemptions in relation to emergencies [NSW]

- (1) A person who is attending an emergency and who is undertaking activities with respect to the control of the emergency in the course of his or her employment or usual business activities is exempt from compliance with this Part in relation to the driving of a fatigue-regulated heavy vehicle to and from the emergency so long as subsection (2) is complied with.
- (2) Any record that would be required to be made under this Chapter if the exemption under subsection (1) were not available—
 - (a) must be made as soon as practicable after the journey from the emergency is completed; and
 - (b) must include a record of the following—
 - (i) the time, date, location and nature of the emergency;
 - (ii) if the person was asked by another person to attend the emergency, the name and contact details of that other person.
- (3) In this section, *emergency* means an event (or an anticipated event) that—
 - (a) endangers, or may endanger, life, property or the environment; or
 - (b) has disrupted, or may disrupt, communications, energy, water supply or sewerage services; or
 - (c) is declared to be an emergency or disaster by—
 - (i) the Commonwealth or a State or Territory; or
 - (ii) a Commonwealth, State or Territory authority responsible for managing responses to emergencies or disasters.

Note— This section is inserted for New South Wales.

[9] Section 462A

Insert after section 462:

462A Conditions imposed on AFM accreditations by responsible Minister

- (1) Apart from the conditions referred to in section 462, an AFM accreditation is also subject to any conditions that may be imposed by the responsible Minister for this jurisdiction under this section.
- (2) The responsible Minister for this jurisdiction may, by notice given to the holder, impose either or both of the following kinds of conditions on an AFM accreditation—
 - (a) conditions specifying different AFM hours to those that would otherwise apply to drivers of heavy vehicles while operating under the accreditation in this jurisdiction;
 - (b) conditions that require compliance with different or additional standards or business rules (or both) to the AFM standards and business rules in relation to heavy vehicles while operating under the accreditation in this jurisdiction.
- (3) A condition imposed under this section has effect (and must be complied with) despite anything to the contrary in any of the following—
 - (a) the AFM accreditation (including any conditions referred to in section 462 to which the accreditation is subject);

- (b) the AFM standards and business rules;
- (c) Chapter 6 (particularly, section 257) and this Chapter;
- (d) an exemption, notice or permit issued or granted under Division 8 of Part 6.3.

(4) The responsible Minister for this jurisdiction may, by further notice given to the holder, revoke a condition that has been imposed under this section.

(5) The responsible Minister for this jurisdiction must, as soon as practicable, notify the Regulator, in writing, of any condition imposed or revoked under this section.

Note— This section is inserted for New South Wales.

[10] Section 464 Accreditation certificate for heavy vehicle accreditation etc.

Insert “or by the responsible Minister for this jurisdiction under section 462A” after “the Regulator” in section 464 (2) (c).

[11] Section 464 (2)

Insert at the end of the subsection:

Note— Subsection (2) (c) is amended for New South Wales by inserting “or by the responsible Minister for this jurisdiction under section 462A” after “the Regulator”.

[12] Section 464 (2A)

Insert after section 464 (2):

- (2A) If an AFM accreditation certificate inaccurately states the conditions applicable to the accreditation because of the imposition or revocation of a condition under section 462A, the Regulator is to issue a replacement certificate to the holder as soon as practicable after the Regulator is informed by the responsible Minister for this jurisdiction of the imposition or revocation of the condition.

Note— Subsection (2A) is inserted for New South Wales.

[13] Section 497 General power to enter places

Omit section 497 (8). Insert instead:

- (8) An authorised officer may use force that is reasonably necessary for exercising a power under this section.

Note— This subsection is substituted for New South Wales.

[14] Section 498 Power to enter a place if evidence suspected to be at the place

Omit section 498 (6) and (7). Insert instead:

- (6) An authorised officer may use force that is reasonably necessary for gaining entry to a place under this section.

Note— This subsection is substituted for New South Wales and subsection (7) is omitted for New South Wales.

[15] Section 499 Power to enter particular places if incident involving death, injury or damage

Omit section 499 (7). Insert instead:

- (7) An authorised officer may use force that is reasonably necessary for exercising a power under this section.

Note— This subsection is substituted for New South Wales.

[16] Section 500 General powers after entering a place

Omit “section 497 (1) (c)” from section 500 (2) (c).

Insert instead “section 497, 498 or 499”.

[17] Section 500 (2)

Insert at the end of the subsection:

Note— Subsection (2) (c) is amended for New South Wales by replacing “section 497 (1) (c)” with “section 497, 498 or 499”.

[18] Section 521 Power to enter and search heavy vehicle involved, or suspected to be involved, in an offence etc.

Omit section 521 (6).

[19] Section 521

Insert at the end of the section:

Note— Section 521 (6) is omitted for New South Wales.

[20] Section 567 Power to require name, address and date of birth

Insert at the end of the section:

Note— See also section 26 (Requirement for driver of heavy motor vehicle to produce Australian driver licence) of the Application Act of this jurisdiction. This note is inserted for New South Wales.

Schedule 2 Modification of national regulations as applying in New South Wales

(Section 5 (a))

Note. The national regulations referred to in this Schedule apply in this jurisdiction with the modifications set out in this Schedule.

2.1 Heavy Vehicle (Vehicle Standards) National Regulation

[1] Schedule 2 Other vehicle standards applying to single heavy vehicles

Omit Division 16 of Part 6. Insert instead:

Division 16 Warning lights and signs on buses carrying children

Note— Division 16 is omitted for New South Wales. For the use of warning lights and signs on school buses in New South Wales, see rules 221–1, 222–2 and 300–4 of the *Road Rules 2008* and clauses 24 and 25 of the *Road Transport (General) Regulation 2013*.

[2] Schedule 2, section 79 Other lights and reflectors

Insert after section 79 (7):

(7A) Despite anything to the contrary in this section or a third edition ADR, a heavy vehicle must not be fitted with a light or reflector if the light or reflector is fitted in a manner or in circumstances that would be prohibited by clause 124 of Schedule 2 to the *Road Transport (Vehicle Registration) Regulation 2007* of New South Wales in relation to a light vehicle being used for the same purpose as the heavy vehicle.

Note— This subsection is inserted for New South Wales.

Schedule 3 Savings, transitional and other provisions

Part 1 General

1 Regulations

- (1) The local regulations may contain provisions of a savings or transitional nature consequent on any of the following:
 - (a) the enactment of this Act or any Act that amends this Act,
 - (b) the enactment of any Act of Queensland that amends the Heavy Vehicle National Law set out in the Schedule to the Queensland Act,
 - (c) the amendment of Schedule 1 or 2 by the local regulations.
- (2) If the local regulations so provide, any such provision may:
 - (a) have effect despite any specified provisions of this Act (including a provision of this Schedule) or the *Heavy Vehicle National Law (NSW)*, and
 - (b) in the case of a provision consequent on the enactment of an Act (whether of this State or Queensland)—take effect from the date of assent to the Act concerned or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate so as:
 - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.
- (4) Local regulations made for the purposes of this clause may make separate savings and transitional provisions or amend this Schedule to consolidate the savings and transitional provisions.

Part 2 Provisions consequent on enactment of this Act and the Heavy Vehicle (Adoption of National Law) Amendment Act 2013

Division 1 Definitions

2 Definitions

In this Part:

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

former legislation—see clause 4.

general savings and transitional provision means section 748 of the Law.

participation day means the day on which section 4 (Application of Heavy Vehicle National Law) of the *Heavy Vehicle (Adoption of National Law) Act 2013* commences.

the Law means the *Heavy Vehicle National Law (NSW)*.

Division 2 Operation of general savings and transitional provision

3 Operation of general savings and transitional provision

The general savings and transitional provision has effect according to its terms except to the extent to which this Division makes contrary provision.

4 Declaration of former legislation

Despite Part 14.2 of the Law, the following are declared to be the *former legislation* for the purposes of Part 14.2 of the Law and this Part:

- (a) the road transport legislation within the meaning of the *Road Transport Act 2013* as in force immediately before the participation day,
- (b) the former road transport legislation (as defined in clause 2 of Schedule 4 to the *Road Transport Act 2013*) to the extent that it continued in force under Part 2 of that Schedule immediately before the participation day.

Note. Section 6 of the *Road Transport Act 2013*, as in force immediately before the participation day, defined **road transport legislation** to mean the following:

- (a) the *Road Transport Act 2013* and the statutory rules under that Act,
- (b) the *Road Transport (Vehicle and Driver Management) Act 2005* and the regulations under that Act,
- (c) the *Motor Vehicles Taxation Act 1988* and the regulations under that Act,
- (d) any other Act or statutory rule made under any other Act (or any provision of such an Act or statutory rule) that is prescribed by the statutory rules under the *Road Transport Act 2013*.

5 Investigation and enforcement of offences committed before participation day

- (1) For the avoidance of doubt, it is declared that the general savings and transitional provision does not affect the operation of section 30 of the *Interpretation Act 1987* in relation to a relevant offence.
- (2) The former legislation, as in force before the participation day, continues to apply for the purposes of a relevant offence:
 - (a) as if the Law was not in force, and
 - (b) if any of the former legislation was amended on that day—as if it had not been amended on that day.
- (3) Without limiting subclauses (1) and (2):
 - (a) the former legislation, as in force before the participation day, continues to have effect for all matters arising, whether before, on or after the participation day:
 - (i) in the investigation of the relevant offence, or
 - (ii) in the enforcement of any of the former legislation in relation to the relevant offence, and
 - (b) proceedings for the relevant offence or an associated offence may be commenced under any of the former legislation as in force before the participation day, and
 - (c) the *Fines Act 1996*, as in force before the participation day, applies to the relevant offence and any associated offence.
- (4) Section 748 (5) of the Law applies to a relevant prosecution as if it were a prosecution referred to in section 748 (3) (c) of the Law.
- (5) In this clause:

associated offence means any offence arising out of any investigation or enforcement as mentioned in subclause (3) (a).

relevant offence means an offence committed or suspected to have been committed under the former legislation before the participation day.

relevant prosecution means the prosecution of:

- (a) a relevant offence, and
- (b) any other offence that, under this clause, is dealt with as an offence under any of the former legislation.

6 Corresponding provision declaration of certain existing accreditation schemes

- (1) This clause applies in relation to each of the following schemes (an **existing accreditation scheme**):
 - (a) the Hire Trailer Maintenance Management Accreditation Scheme referred to in clause 72 of the *Road Transport (Vehicle Registration) Regulation 2007* (as in force immediately before its repeal by the amending Act),
 - (b) the NSW Livestock Loading Scheme approved for the purposes of paragraph (b) of the definition of **Mass Management Accreditation Scheme** in the Dictionary of the *Road Transport (Mass, Loading and Access) Regulation 2005* (as in force immediately before the participation day).

Note. See also the *Ministerial Declaration (NSW Livestock Loading Scheme) Order 2012* originally made under section 16 of the former *Road Transport (General) Act 2005*.
- (2) It is declared that accreditation under an existing accreditation scheme has effect, on and from the participation day, for the purposes of the Law as if:
 - (a) the Law had been in force when the accreditation was granted, and
 - (b) the accreditation were the accreditation to which it corresponds under section 458 of the Law, and
 - (c) the accreditation had been granted under the Law on the participation day for the period of:
 - (i) in the case of the Hire Trailer Maintenance Management Accreditation Scheme—3 years, or
 - (ii) in the case of the NSW Livestock Loading Scheme—5 years.
- (3) RMS is to exercise all of the functions of the Regulator under the National Law instead of the Regulator in relation to the NSW Livestock Loading Scheme as if RMS were the Regulator.
- (4) Without limiting subclause (3), the functions of the Regulator that RMS may exercise in relation to the NSW Livestock Loading Scheme instead of the Regulator because of that subclause include (but are not limited to) the following:
 - (a) the charging of fees,
 - (b) the issuing of business rules,
 - (c) the setting of conditions and requirements,
 - (d) the issuing of forms and labels.
- (5) Without limiting subclauses (3) and (4), the local regulations may make provision for or with respect to the modification of the provisions of Chapter 8 of the Law in their application to the NSW Livestock Loading Scheme

(including in relation to the business rules applicable to the Scheme and the admission of new participants to the Scheme).

- (6) Nothing in this clause limits the application of the general savings and transitional provision or section 61 (Accreditations not granted under former legislation) of the *Heavy Vehicle (General) National Regulation (NSW)* to accreditation under any other accreditation scheme in operation in New South Wales before the participation day.

7 Authorised officers

Despite section 748 (3) (a) of the Law, a person who, immediately before the participation day, was an authorised officer appointed (or taken to have been appointed) under section 166 of the *Road Transport Act 2013* is taken, on and from that day, to be an authorised officer for the purposes of the Law as if he or she had been appointed by the Regulator under section 481 of the Law.

8 Approved vehicle examiners

Despite Part 14.2 of the Law, a person who was a licensed certifier within the meaning of Part 5A (Certification of vehicles) of the *Road Transport (Vehicle Registration) Regulation 2007* immediately before the participation day is taken, on and from that day, to be an approved vehicle examiner for the purposes of Part 3.3 of the Law as if he or she had been approved as a vehicle examiner under the national regulations (as referred to in section 731 of the Law) for this purpose.

9 Declaratory regulation-making power for general savings and transitional provision

- (1) The local regulations may make provision of a declaratory nature (a *declaratory provision*), as provided for in subclause (2), in relation to the operation of the general savings and transitional provision.
- (2) A declaratory provision may, in relation to a particular thing done under the former legislation before the participation day:
- (a) declare that the general savings and transitional provision applies to it, or
 - (b) declare how the general savings and transitional provision applies to it, or
 - (c) declare that the general savings and transitional provision does not apply to it, and provide how the thing must otherwise be dealt with.
- (3) A declaratory provision has effect according to its terms.
- (4) The operation of the general savings and transitional provision is not limited by the making of a declaratory provision other than to the extent provided for in the provision.
- (5) To the extent to which a declaratory provision takes effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate so as:
- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

- (6) Any local regulation making provision as provided for in clause 1 is not limited by this clause.
- (7) A declaratory provision must declare that it is a declaratory provision.

Division 3 Miscellaneous

10 Heavy Vehicle (Adoption of National Law) Regulation 2013

- (1) Schedule 4 to the amending Act is taken to be and has effect as a local regulation under this Act.
- (2) Part 2 of the *Subordinate Legislation Act 1989* does not apply to the regulation set out in Schedule 4 to the amending Act (but applies to any amendment or repeal of the regulation).
- (3) For the purposes of section 10 of the *Subordinate Legislation Act 1989*, the regulation set out in Schedule 4 to the amending Act is taken to have been published on the participation day.
- (4) Sections 39, 40 and 41 of the *Interpretation Act 1987* do not apply to the regulation set out in Schedule 4 to the amending Act (but apply to any amendment or repeal of the regulation).

Note. The continued effect of the regulation set out in Schedule 4 to the amending Act is unaffected by the repeal of that Schedule. See section 30 of the *Interpretation Act 1987*.

11 Updating of references to former legislation in connection with heavy vehicles

- (1) Subclauses (2)–(4) apply to references in any other Act or in any instrument made under any other Act other than:
 - (a) a reference in the *Road Transport Act 2013* or an instrument made under that Act, or
 - (b) a reference in the amending Act, or
 - (c) a reference in a provision of another Act or statutory rule made under another Act that is a reference that was inserted or substituted by, or retained despite, an amendment made to the provision by the amending Act, or
 - (d) a reference in a provision of another Act or statutory rule made under another Act (as amended, substituted or inserted by the amending Act), or
 - (e) such references as may be prescribed by the local regulations.
- (2) Subject to subclause (3), a reference to the former *Road Transport (Vehicle and Driver Management) Act 2005* or *Road Transport (Vehicle and Driver Management) Regulation 2005* is to be read, on and from the participation day, as a reference to the Law.
- (3) A reference to a provision of the former *Road Transport (Vehicle and Driver Management) Act 2005* or *Road Transport (Vehicle and Driver Management) Regulation 2005* is to be read, on and from the participation day, as a reference to the corresponding provision (if any) of the Law or the regulations in force for the purposes of the Law.
- (4) A reference to a repealed provision of the former legislation (other than the former *Road Transport (Vehicle and Driver Management) Act 2005* or *Road Transport (Vehicle and Driver Management) Regulation 2005*) for which there is a corresponding provision in the Law or the regulations in force for the

purposes of the Law is to be read, on and after the participation day, as a reference to the corresponding provision.

- (5) The local regulations may make provision for or with respect to the updating of:
- (a) references to which subclauses (2)–(4) do not apply, and
 - (b) references in any other documents to which this clause does not apply.

- (6) In this clause:

corresponding provision, in relation to the Law or the regulations in force for the purposes of the Law, means a provision of the Law or the regulations that corresponds, or substantially corresponds, to the provision of the former legislation concerned.

repealed provision of the former legislation means a provision of that legislation that was repealed by the amending Act.

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:

- 37 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
 - (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] Schedule 4 Savings, transitional and other provisions

Insert after Part 2:

Part 3 Provisions consequent on enactment of Heavy Vehicle (Adoption of National Law) Amendment Act 2013

47 Road Transport (Mass, Loading and Access) Regulation 2005 taken to be made under this Act

- (1) The *Road Transport (Mass, Loading and Access) Regulation 2005* is taken, on and from the participation day, to be a regulation made by the Governor under this Act, and may be amended or repealed accordingly.
- (2) In this clause:
participation day means the day on which section 4 (Application of Heavy Vehicle National Law) of the *Heavy Vehicle (Adoption of National Law) Act 2013* commences.

48 Number-plate confiscation notices

- (1) For the avoidance of doubt, it is declared that clause 29C of the *Road Transport (Vehicle and Driver Management) Regulation 2005* operated during the transitional period to prescribe information for the purposes of the definition of *number-plate confiscation notice* in section 237 (1).
- (2) Accordingly, any notice in a form approved by the Commissioner of Police containing that prescribed information that was issued during the transitional period is taken to have had effect as a number-plate confiscation notice for the purposes of this Act and any other relevant law.

(3) In this clause:

relevant law means the *Fines Act 1996* and any other Act, statutory rule or law that is relevant to the enforcement of a number-plate confiscation notice issued under Part 7.6 of this Act or an offence relating to such a notice.

transitional period means the period:

- (a) commencing on the repeal day (within the meaning of Part 2 of this Schedule), and
- (b) ending immediately before the day on which clause 144A of the *Road Transport (General) Regulation 2013* (as inserted by the *Heavy Vehicle (Adoption of National Law) Amendment Act 2013*) commences.

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
Section 250 (1)	Solo driver under standard hours working for more than the maximum work time or resting for less than minimum rest time:		
	(a) in case of a severe risk breach	3	3
	(b) in case of a critical risk breach	4	4
Section 251 (1)	Two-up driver under standard hours working for more than the maximum work time or resting for less than minimum rest time:		
	(a) in case of a severe risk breach	3	3
	(b) in case of a critical risk breach	4	4
Section 254 (1)	Solo driver under BFM hours working for more than the maximum work time or resting for less than minimum rest time:		
	(a) in case of a severe risk breach	3	3
	(b) in case of a critical risk breach	4	4
Section 256 (1)	Two-up driver under BFM hours working for more than the maximum work time or resting for less than minimum rest time:		
	(a) in case of a severe risk breach	3	3
	(b) in case of a critical risk breach	4	4

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

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] Clause 144A

Insert after clause 144:

144A Number-plate confiscation notices

(1) The following information is prescribed for the purposes of the definition of *number-plate confiscation notice* in section 237 (1) of the Act:

- (a) a brief description of the effect of the notice and a statement of the action that may be taken against the registered operator and penalties that may apply if it is not complied with,
- (b) in the case of a number-plate confiscation notice issued in respect of a sanctionable offence, the provisions of the Act, regulations or rules imposing the sanctionable offence,
- (c) the registration number of the motor vehicle to which it relates,
- (d) the vehicle's VIN or, if there is no VIN, the chassis number and engine number of the vehicle,
- (e) the date of issue of the notice and the date on which the number-plate confiscation period imposed by the notice will end,
- (f) the name of the Local Area Command of the police officer who issued the notice,
- (g) the address of the motor registry or other place from which the number-plates can be collected on or after the end of the number-plate confiscation period,
- (h) information about the right to apply to the Local Court to seek release of the number-plates.

(2) In this clause:

motor registry means a place at which registration of a vehicle can be effected by or on behalf of the Authority.

VIN has the same meaning as it has in the *Road Transport (Vehicle Registration) Regulation 2007*.

[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
------------------	------------	---------

[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 Road Transport (Vehicle and Driver Management) Regulation 2005

Part 4 Number plate confiscation

Omit the Part.

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 Heavy Vehicle National Law (NSW)	
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

Column 1	Column 2
Provision	Penalty
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

Column 1	Column 2
Provision	Penalty
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)

Column 1	Column 2
Provision	Penalty
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

Column 1	Column 2
Provision	Penalty
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

Column 1	Column 2
Provision	Penalty
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 Heavy Vehicle (Mass, Dimension and Loading) National Regulation (NSW)	
Section 11 (1)	\$300
Section 16 (2)	\$300
Section 28	\$300
Section 34 (2)	\$400
Section 36 (2)	\$300
