

Road Transport (Offences) Amendment Regulation 2026 (No 2)

Subordinate law SL2026-12

made under the

Road Transport (General) Act 1999, section 23 (Regulations about infringement notice offences) and section 233 (General regulation-making power)

EXPLANATORY STATEMENT

Heavy Vehicle National Law Infringement Notice Penalties

The Heavy Vehicle National Law (HVNL) is set out in the schedule of the [Heavy Vehicle National Law Act 2012](#) (Qld) and published on the Queensland Legislation Register. Regulations for the HVNL are published on the NSW Legislation website. The HVNL operates in the ACT in accordance with section 7 of the *Heavy Vehicle National Law (ACT) Act 2013* (HVNL Application Act).

In the ACT, infringement notice penalties for road transport legislation are prescribed under the part 3 of the *Road Transport (General) Act 1999*. Section 13 of the HVNL Application Act allows heavy vehicle offence penalty (HVOP) and heavy vehicle infringement notice offences (HVINO) to be prescribed in the same way.

Offences that have infringement notice penalties are listed in schedule 1 of the *Road Transport (Offences) Regulation 2005* (Offences Regulation). Parts 1.2 to 1.4 of schedule 1 list HVNL infringement notice penalties.

The National Heavy Vehicle Regulator (NHVR) administers the HVNL. HVOP amounts and HVINO amounts are published on the NHVR website at www.nhvr.gov.au.

Amendment Summary

This regulation amends parts 1.2 to 1.4 of schedule 1 of the Offences Regulation. The amendments implement changes to HVNL offences made through the *Heavy Vehicle National Law Amendment Act 2025* (HVNL Amendment Act) and the *Heavy Vehicle National Amendment Regulations 2026* (together, the HVNL amendment package). These reforms amend, insert and omit HVOPs and HVINOs.

This regulation commences in line with the HVNL amendment package on 1 August 2026.

The National Amendment Package

The HVNL amendment package improves road safety through:

- an enhanced accreditation framework that requires operators to have a Safety Management System and that broadens the types of accreditations that the NHVR may grant; and
- a new duty to be fit to drive, which will be combined with the existing duty not to drive fatigued and apply to all heavy vehicle drivers regulated by the HVNL.

The HVNL amendment package also:

- amends penalty amounts to deliver proportionate outcomes without reducing deterrence or increasing road safety risk;
- simplifies the process to make new codes of practice, and shifts responsibility for development and approval to the NHVR;
- introduces new ministerial direction and approval powers that support the changes to the accreditation and code of practice frameworks;
- updates governance arrangements of the Regulator Board;
- removes regulatory red tape, particularly for fatigue management record keeping and the issue of notices; and
- moves prescriptive detail and offences into regulations.

Human rights implications

A key purpose across the HVNL is road safety, which supports the right to life under the *Human Rights Act 2004* (HRA), section 9. The deterrent effect of infringement notices for the HVNL supports the objective of road safety.

Sections 21 and 22 of the HRA provide for the right to a fair trial and to be presumed innocent until proved guilty according to law. Infringement notices attach to strict liability offences, where there is no requirement to establish a fault element, and as such, might be seen to engage the presumption of innocence.

However, under the infringement notice scheme set out the part 3 of the *Road Transport (General) Act 1999* a person may choose to challenge an infringement notice and instead face prosecution in court. This means the minimum guarantees in criminal proceedings under sections 21 and 22 of the HRA remain available and are not undermined by the possibility of an infringement notice scheme. Any limitation of the minimum guarantees in criminal proceedings and right to a fair trial as a consequence of the infringement notice scheme is proportionate and justified as it is targeted to its legitimate purpose of protecting the right to life.

Climate change implications

There are not considered to be any climate change implications arising from these amendments.

Clause notes

Clause 1 Name of regulation

This is a technical clause that states the name of the regulation as the *Road Transport (Offences) Amendment Regulation 2026 (No 2)*.

Clause 2 Commencement

This clause provides that the regulation commences on 1 August 2026.

Clause 3 Legislation amended

This clause identifies the regulation being amended is the *Road Transport (Offences) Regulation 2005*.

Clause 4 New Part 5

This amendment creates a transitional arrangement that mirrors part 14.5 of the HVNL Amendment Act. As with part 14.5, new part 5 of the Offences Regulation is intended to ensure that requirements linked to accreditations that are in place immediately before the commencement day continue to operate under the legislative requirements that were also in place immediately before the commencement day.

As with part 14.5, new part 5 of the Offences Regulation expires 3 years after it commences.

Clause 5 Schedule 1, part 1.2, items 1 and 2

This amendment is consequential on the omission of section 25A of the HVNL under clause 15 of the HVNL Amendment Act.

Clause 6 Schedule 1, part 1.2, new item 3A

This amendment is consequential on the amendment to section 26D of the HVNL under clause 17 of the HVNL Amendment Act.

Clause 7 Schedule 1, part 1.2, item 9

This amendment is consequential on the amendment of section 60 of the HVNL under clause 20 of the HVNL Amendment Act.

Clause 8 Schedule 1, part 1.2, items 10 and 11 etc

This amendment is consequential on the omission of:

- sections 79 and 80 of the HVNL under clause 22 of the HVNL Amendment Act;
- section 83 of the HVNL under clause 24 of the HVNL Amendment Act;

- sections 85, 86 and 87A of the HVNL under clause 25 of the HVNL Amendment Act;
- section 109 of the HVNL under clause 30 of the HVNL Amendment Act;
- section 133 of the HVNL under clause 32 of the HVNL Amendment Act;
- section 134 of the HVNL under clause 33 of the HVNL Amendment Act;
- section 152 of the HVNL under clause 36 of the HVNL Amendment Act; and
- sections 181 and 182 of the HVNL under clause 38 of the HVNL Amendment Act.

This amendment is also consequential on the amendment of section 92 of the HVNL under clause 27 of the HVNL Amendment Act.

Clause 9 Schedule 1, part 1.2, item 76, column 3

This amendment is consequential on the amendment of section 228 of the HVNL under clause 49 of the HVNL Amendment Act.

Clause 10 Schedule 1, part 1.2, item 79

This amendment is consequential on the amendment of section 254 of the HVNL under clause 56 of the HVNL Amendment Act.

Clause 11 Schedule 1, part 1.2, items 80 and 81 etc

This amendment is consequential on the omission of:

- sections 256 and 258 of the HVNL under clause 56 of the HVNL Amendment Act;
- sections 284 and 285 of the HVNL under clause 61 of the HVNL Amendment Act;
- section 288 of the HVNL under clause 63 of the HVNL Amendment Act;
- sections 301, 302 and 303 of the HVNL under clause 70 of the HVNL Amendment Act; and
- section 308 of the HVNL under clause 72 of the HVNL Amendment Act.

Clause 12 Schedule 1, part 1.2, item 117, column 3

This amendment is consequential on the amendment of section 315 of the HVNL under clause 76 of the HVNL Amendment Act.

Clause 13 Schedule 1, part 1.2, items 154 and 155 etc

This amendment is consequential on the omission of:

- sections 373 and 374 of the HVNL under clause 95 of the HVNL Amendment Act;
- section 377 of the HVNL under clause 96 of the HVNL Amendment Act;
- sections 392 and 393 of the HVNL under clause 97 of the HVNL Amendment Act; and
- section 466 of the HVNL under clause 105 of the HVNL Amendment Act.

Clause 14 Schedule 1, part 1.2, items 234 to 236, column 3

This amendment is consequential on the amendment of section 467 of the HVNL under clause 106 of the HVNL Amendment Act and section 468 of the HVNL under clause 107 of the HVNL Amendment Act.

Clause 15 Schedule 1, part 1.2, items 237 and 245 to 247

This amendment is consequential on the omission of:

- section 469 of the HVNL under clause 108 of the HVNL Amendment Act;
- section 471 (3) of the HVNL under clause 110 of the HVNL Amendment Act; and
- sections 476 and 477 of the HVNL under clause 114 of the HVNL Amendment Act.

Clause 16 Schedule 1, part 1.3, new items 5 to 9

This amendment is consequential on new offences being inserted into the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation*.

Clause 17 Schedule 1, part 1.4

This amendment is consequential on new offences being inserted into the *Heavy Vehicle (Fatigue Management) National Regulation*, the *Heavy Vehicle (General) National Regulation* and the *Heavy Vehicle (Vehicle Standards) National Regulation*.