

1990 - No. 450

TRAFFIC ACT 1909 - REGULATION
(Increasing the level of penalties imposed by penalty
notices for traffic and parking infringements)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Traffic Act 1909, has been pleased to make the Regulation set forth hereunder.

BRUCE BAIRD
Minister for Transport.

Commencement

1. This Regulation commences on 1 July 1990.

Amendment

2. The Motor Traffic Regulations 1935 are amended by omitting Schedule K and by inserting instead the following Schedule:

**SCHEDULE K - PRESCRIBED OFFENCES AND PENALTIES
FOR THE PURPOSES OF SECTION 18B OF THE ACT**

(Reg. 130A)

PART 1

Offences under the Traffic Act 1909

TABLE A

Offence	Penalty \$
Any offence under:	
Section 6 (1) (a) or 6 (1) (b)	81
Section 6 (1) (c) (i), (ii), (iii) or (iv)	49
Section 6 (1) (c) (v)	81
Section 6A (2)	81

TABLE B

Offence	Penalty \$
Any offence under:	
Section 4 (1), for driving negligently	114
Section 4A (1) -	
(a) where the motor vehicle (not being a coach or heavy motor vehicle) is driven at a speed which exceeds by more than 30 km/h but not more than 45 km/h the speed limit applicable	250
(b) where the motor vehicle (being a coach or heavy motor vehicle) is driven at a speed which exceeds by more than 30 km/h but not more than 45 km/h the speed limit applicable	375
(c) where the motor vehicle (not being a motor vehicle referred to in Regulation 124 (1) or (2)) is driven at a speed which exceeds by more than 15 km/h but not more than 30 km/h the speed limit applicable	130

(d) where the motor vehicle (being a motor vehicle referred to in Regulation 124 (1) or (2)) is driven at a speed which exceeds by more than 15 km/h but not more than 30 km/h the speed limit applicable	195
(e) where the motor vehicle (not being a motor vehicle referred to in Regulation 124 (1) or (2)) is driven at a speed which exceeds by not more than 15 km/h the speed limit applicable	81
(f) where the motor vehicle (being a motor vehicle referred to in Regulation 124 (1) or (2)) is driven at a speed which exceeds by not more than 15 km/h the speed limit applicable	125
Section 4A (1A):	
(a) where the motor vehicle is not a coach or heavy motor vehicle	500
(b) where the motor vehicle is a coach or heavy motor vehicle	750
Section 5 (1)	81
Section 5 (3)	81
Section 8 (5)	81
Section 11B	49
Section 18A (1) - in respect of a parking offence - the same penalty as that prescribed in Part 2 of this Schedule for the actual offender.	

PART 2

Offences under the Motor Traffic Regulations 1935

TABLE A

Offence	Penalty \$
Any offence for which a penalty is imposed by Regulation 129 on any person by reason of the person's contravening any of the following Regulations: Regulation 12BA(2), 23, 25, 26 (1) or (2), 27, 30 (1), 31 (2), 38, 38A, 42 (a) or (b), 53 (2) (a) or (b), 53 (3) (a) (i) or (v), 53 (3) (b) or 64	49

Regulation 92 in respect of the standing or driving of a motor vehicle which does not comply with any of the following provisions of Schedule F	
(a) paragraph 4, defective suspension components	65
(b) paragraph 4, defective road wheels, wheel studs or nuts.	65
(c) paragraph 4, defective or missing body panels	49
(d) paragraph 4, defective LPG equipment	65
(e) paragraph 6, defective headlamps	49
(f) paragraph 9, defective tail lamps	49
(g) paragraph 16, defective brake lamps	49
(h) paragraph 43, 44A, 44B, 44C, 44D, 44E, 45, 45A, 46, exceed dimensions	49
(i) paragraph 4, 57, 58, 58A, 59, 60, 61, 62, 63 (1), defective brakes	108
(j) paragraph 63 (2), defective emergency brakes	49
(k) paragraph 4, 64 (a), defective steering	108
(l) paragraph 66 (1) (b) (ii), excessive overhang	49
(m) paragraph 4, 67, oil and fuel leaks	65
(n) paragraph 68A, seat belt removed or defective	146
(o) paragraph 4, 68B, defective seats, seat anchorages	65
(p) paragraph 4, 68C, defective door latches, hinges	49
(q) paragraph 75, defective body/chassis structural member	65
(r) paragraph 75, 75A, 76, undue emission, inefficient silencer	65
(s) paragraph 82, defective tyres	49
(t) paragraph 110, defective or missing fire extinguisher (omnibus)	49
(u) paragraph 120-153, road train equipment offences	65
Regulation 92 (1) (d)	81
Regulation 94 (1)	146
Regulation 94B (4)	146
Regulation 94B (5)	146
Regulation 104 (1) (c)	49
Regulation 104 (2)	49

Regulation 105	49
Regulation 108	65
Regulation 109	65
Regulation 110 (a)	65
Regulation 113B (1) (a) or (b), 113B (2) or 113C (2)	81
Regulation 113D (3)	108
Regulation 113E	65
Regulation 113F (a) to (c)	49
Regulation 113G (1) or (3)	108
Regulation 114 (1) (a) or (b)	49
Regulation 115 (1)	49
Regulation 116 (a) to (e)	49
Regulation 118 (1) (a) to (e)	81
Regulation 118 (1) (f)	108
Regulation 118 (5)	81
Regulation 128A (3)	81
Regulation 120A (1) (a) or (b)	108
Regulation 120A (1) (c)	49
Regulation 123, permit or fail to take reasonable precautions to prevent contravention of Regulations 118 (1) (a) to (e), 118 (5) and 118A(3)	81
Regulation 123, permit or fail to take reasonable precautions to prevent contravention of Regulations 118 (1) (f) and 120A (1) (a) or (b)	108
Regulation 123, permit or fail to take reasonable precautions to prevent contravention of Regulations 119, 120, 120A (1) (c), 121 and 122	49
Regulation 126A (1), (2), (3) or (4)	108
Regulation 126B (5)	108
Regulation 126C (1) or (2)	108
Regulation 126D	108
Regulation 126E	108
Regulation 126F (1) or (2)	108
Regulation 126G	108
Regulation 126H	108

TABLE B

Offence	Penalty \$
Any offence for which a penalty is imposed by Regulation 129 on any person by reason of the person's contravening any of the following Regulations: Regulation 12 (4), 53 (3) (a) (ii), (iv), (vi) or (vii) Regulation 54 (7):	49
(a) in respect of the offence of driving a motor vehicle:	
(i) contrary to a "give way" or "stop" sign, including a "stop" sign as described in Regulation 54 (6E), or a "roundabout" sign (that is, a traffic control sign displaying a symbol described in Regulation 54 (6) (aj))	146
(ii) contrary to a "railway crossing stop" sign	146
(iii) contrary to a "truck lane" or "trucks must use low gear" sign	146
(iv) contrary to a "truck speed limit" sign	250
(v) contrary to a "bus lane" or "transit lane" sign	97
(vi) contrary to any other traffic control sign	81
(b) in respect of the following offences:	
(i) where the offence is exceeding a time limit at a loading zone or truck zone or standing illegally at a loading zone or truck zone	59
(ii) where the offence is exceeding a time limit at any other place	43
(iii) where the offence is standing or parking for more than one hour at a place where standing or parking is prohibited	49
(iv) where the offence is standing or parking for one hour or less at a place where standing or parking is prohibited	43
(v) where the offence is stopping or waiting on a clearway, transit lane, bus lane or contrary to a "no stopping" sign	97

Regulation 61 (2)	146
Regulation 65	108
Regulation 65A	81
Regulation 66, 66C (1) (a) or (b)	146
Regulation 66C (1) (c), (d) or (e) or 66D	81
Regulation 67 (1), 67 (2) (b), (c) or (d) or 67 (3)	146
Regulation 67B	81
Regulation 68 (1) (b), 68 (3) or 68A	81
Regulation 68B (3)	114
Regulation 71 (1) (a), 71 (2) (a), (b) or (c) or 71 (3) 4	114
Regulation 71 (1) (b) or 71 (2) (d)	146
Regulation 72 (1) or 72 (1B)	114
Regulation 72 (2)	146
Regulation 72A (1)	114
Regulation 72A (2)	146
Regulation 73	81
Regulation 74	114
Regulation 74A	81
Regulation 80	97
Regulation 81	43
Regulation 81A	49
Regulation 83 (a)	59
Regulation 83 (b)	43
Regulation 84 (1), paragraph (c) excepted	43
Regulation 84 (1) (c):	
(a) where the motor vehicle is standing in a clearway, transit lane or bus lane	51
(b) where the motor vehicle is standing in any other location	59
Regulation 85	43
Regulation 90 (1) (a) or (d) or 90A	81
Regulation 92 in respect of the standing or driving of a motor vehicle which does not comply with any of the following provisions of Schedule F:	
(a) paragraph 118	146
(b) paragraph 147 where the motor vehicle is not fitted or equipped with seat belts or seat belt anchorages	146

Regulation 95 (3)	49
Regulation 106, 107	65
Regulation 110A	49
Regulation 110E, 110F or 110G	81
Regulation 111	49
Regulation 124:	
(a) where the motor vehicle, not being a motor vehicle referred to in Regulation 124 (1) or (2):	
(i) is driven at a speed which exceeds by more than 45 km/h the speed permitted	500
(ii) is driven at a speed which exceeds by more than 30 km/h but not more than 45 km/h the speed permitted	250
(iii) is driven at a speed which exceeds by more than 15 km/h but not more than 30 km/h the speed permitted	130
(iv) is driven at a speed which exceeds by not more than 15 km/h the speed permitted	81
(b) where the motor vehicle, being a coach or heavy motor vehicle:	
(i) is driven at a speed which exceeds by more than 45 km/h the speed permitted	750
(ii) is driven at a speed which exceeds by more than 30 km/h but not more than 45 km/h the speed permitted	375
(iii) is driven at a speed which exceeds by more than 15 km/h but not more than 30 km/h the speed permitted	195
(iv) is driven at a speed which exceeds by not more than 15 km/h the speed permitted	125
(c) where the motor vehicle, being a motor vehicle referred to in Regulation 124 (1), but not being a coach:	
(i) is driven at a speed which exceeds by more than 45 km/h the speed permitted	500
(ii) is driven at a speed which exceeds by more than 30 km/h but not more than 45 km/h the speed permitted	250

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(iii)	is driven at a speed which exceeds by more than 15 km/h but not more than 30 km/h the speed permitted	195
(iv)	is driven at a speed which exceeds by not more than 15 km/h the speed permitted	125
Regulation 124A		500

TABLE C

Offence	Penalty \$
Any offence under the Regulations, not being an offence specified in Table A or B of this Part, or an offence under Regulation 53 (3) (a) (iii), 53 (3) (c), 67 (2) (a), 69A(1), (2) and (3) or 119A(2)	49

PART 3

Offences under the Transport Licencing Act 1931

Offence	Penalty \$
Section 312 (1)	81
Section 13 (1)	81
Section 15 (3)	65
Section 17 (5)	65
Section 22	65
Section 28, operate unlicensed public passenger vehicle	108
Section 28, drive unlicensed public passenger vehicle	81
Section 28, cause or permit unlicensed public passenger vehicle to be operated or driven	108
Section 28, drive public passenger vehicle contrary to conditions of licence	81
Section 25, operate public passenger vehicle contrary to conditions of licence	108

PART 4

Offences under the Transport Licencing Regulations 1931

Offence	Penalty \$
Any offence for which a penalty is imposed by Regulation 39 on any person by reason of the person's failure to comply with or the person's contravening any of the following Regulations:	
Regulation 10	81
Regulation 15	49
Regulation 16	49
Regulation 33 (1) (a)	81
Regulation 52	49
Regulation 54	65
Regulation 55 (a) or (b)	65
Regulation 59	65
Regulation 60 (e)	65
Regulation 67 (2)	49
Regulation 68, fail to run to timetable	65
Regulation 68, fail to perform a journey in accordance with timetable	81
Regulation 68, fail to complete journey in accordance with timetable	65
Regulation 70 (1)	65
Regulation 71 (a)	65
Regulation 72 (1)	65
Regulation 73 (a)	65
Regulation 73 (c)	65
Regulation 74 (1) (a) or (b) (i) or (ii)	65
Regulation 74 (2)	65
Regulation 79 (1)	81
Regulation 86 (1)	\$1
Regulation 86B	65
Regulation 87	81
Regulation 92 (2) (a)	49
Regulation 93	65

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Regulation 94	65
Regulation 98	65
Regulation 99 (1)	65
Regulation 99 (3)	81
Regulation 100 (1) or (2)	65
Regulation 102 (1)	81
Regulation 104 (a) or (b)	65
Regulation 105 (1) or (2)	81
Regulation 108	49
Regulation 109	49
Regulation 110 (1) (a), (c) or (d)	49

PART 5

Offences under the Motor Vehicles Taxation Act 1988

Offence	Penalty
	\$
Any offence under: Section 9 (1)	81

PART 6

Offences under the Motor Accidents Act 1988

Offence	Penalty
	\$
Any offence under: Section 8 (1)	81

PART 7

*Offences under the Motor Vehicle Driving
Instructors Act 1961*

Offence	Penalty
	\$
Any offence under: Section 9 (1) (a)	81

PART 8

*Offences under the Motor Vehicle Driving
Instructors Regulations 1962*

Offence	Penalty \$
Any offence for which a penalty is imposed by Regulation 12 on any person by reason of the person's contravening: Regulation 8, fail to produce licence when required by police or by authorised officer	65

PART 9

*Offences under the Local Government Act 1919
and Ordinances made under that Act*

Offence	Penalty \$
Local Government Act 1919: Any offence under section 269A (15) or 270O	43
Ordinance No. 30: Any offence under clause 18A, 18AA or 18C	43
Ordinance No. 34A All offences under the Ordinance	43

PART 10

*Offences under Regulations deemed to be made
under the Traffic Act 1909*

Offence	Penalty \$
General Traffic (Pedestrian) Regulations 1939: All offences under the Regulations	32
General Traffic Regulations 1916: Any offence under subsection 9 of section 6	59
Any other offences under the Regulations, subsections 3 (a), 7 (1), (2) and (3) of section 13 excepted	32

PART 11

*Offences under Part 4A of the Clean Air Act 1961
and Regulations made under that Act*

Offence	Penalty \$
Clean Air Act 1961: Any offence under section 21B in respect of the emission of excessive air impurities prescribed by Regulation 26 (1) of the Clean Air Regulations 1964	81

EXPLANATORY NOTE

The object of this Regulation is to increase the penalties imposed by penalty notices issued under section 18B of the Traffic Act 1909 for contraventions of that Act and certain other Acts and of Regulations made under those Acts.
