

1992—No. 322

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.

WAL MURRAY
Minister for Roads.

Commencement

1. This Regulation commences on 1 July 1992.

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)	94
Section 6 (1) (c) (i), (ii), (iii) or (iv)	56
Section 6 (1) (c) (v)	94
Section 6A (2)	94

TABLE B

Offence	Penalty \$
Any offence under:	
Section 4 (1), for driving negligently	131
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 38 km/h but not more than 45 km/h the speed limit applicable	289
(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	433
(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	150
(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 38 km/h the speed limit applicable	226
(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	94
(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	144
Section 4A (1A):	
(a) where the motor vehicle is not a coach or heavy motor vehicle	579
(b) where the motor vehicle is a coach or heavy motor vehicle	868
Section 4AD (1), (2) or (3)	868
Section 4AE (3)	868
Section 5 (1)	94
Section 5 (3)	94
Section 8 (5)	94

Offence	Penalty
	\$
Section 11B	56
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 44	56
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 ..	75
(b) paragraph 4, defective road wheels, wheel studs or nuts	75
(c) paragraph 4, defective or missing body panels ..	56
(d) paragraph 4, defective LPG equipment	75
(e) paragraph 6, defective headlamps	56
(f) paragraph 9, defective tail lamps	56
(g) paragraph 16, defective brake lamps	56
(h) paragraph 43, 44A, 44B, 44C, 44D, 44E, 45, 45A, 44, exceed dimensions	56
(i) paragraph 4, 57, 58, 58A, 59, 60, 61, 62, 63 (1), defective brakes	124
(j) paragraph 63 (2), defective emergency brakes ...	56
(k) paragraph 4, 44 (a), defective steering	124
(l) paragraph 66 (1) (b) (ii), excessive overhang ...	56
(m) paragraph 4, 67, oil and fuel leaks	75
(n) paragaph 68A, seat belt removed or defective ..	168
(o) paragraph 4, 68B, defective seats, seat anchorages	75
(p) paragraph 4, 68C, defective door latches, hinges	56

Offence	Penalty
	\$
(q) paragraph 75, defective body/chassis structural member.....	75
(r) paragraph 75, 75A, 76. undue emission. inefficient silencer.....	75
(s) paragraph 82, defective tyres	56
(t) paragraph 110, defective or missing fire extinguisher(omnibus).....	56
(u) paragraph 120–153, road train equipment offences	75
Regulation 92 (1) (d)	94
Regulation 94 (1)	168
Regulation 94B (4)	168
Regulation 94B (5)	168
Regulation 104 (1) (c)	56
Regulation 104 (2)	56
Regulation 105	56
Regulation 108	75
Regulation 109	75
Regulation 110 (a)	75
Regulation 113B (1) (a) or (b), 113B (2) or 113C (2).	94
Regulation 113D (3)	124
Regulation 113E	75
Regulation 113F (a) to (c)	56
Regulation 113G (1) or (3)	124
Regulation 114 (1) (a) or (b)	56
Regulation 115 (1)	56
Regulation 116 (a) to (e)	56
Regulation 118 (1) (a) to (e)	94
Regulation 118 (1) (f)	124
Regulation 118 (5)	94
Regulation 118A (3)	94
Regulation 120A, (1) (a) or (b)	124
Regulation 120A (1) (c)	56
Regulation 123, permit or fail to take reasonable precautions to prevent contravention of Regulations 118 (1) (a) to (e), 118 (5) and 118A (3)	94
Regulation 123, permit or fail to take reasonable precautions to prevent contravention of Regulations 118 (1) (f) and 120A (1) (a) or (b)	124
Regulation 123, permit or fail to take reasonable precautions to prevent contravention of Regulations 119, 120, 120A (1) (c), 121 and 122	56
Regulation 126A (1), (2), (3) or (4)	124

Offence	Penalty
	\$
Regulation 126B (5)	124
Regulation 126C (1), (2) or (5).....	124
Regulation 126D.....	124
Regulation 126E.....	124
Regulation 126F (1) or (2).....	124
Regulation 126G.....	124
Regulation 126H.....	124

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 Regulation:	
Regulation 12 (4), 53 (3) (a) (ii), (iv), (vi) or (vii). Regulation 54 (7):	56
(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))..	168
(ii) contrary to a "railway crossing stop" sign	148
(iii) contrary to a "truck & bus lane" or "trucks & buses must use low gear" ...	168
(iv) contrary to a "truck & bus speed limit" sign	289
(v) contrary to a "bus lane", "buses only lane" or "transit lane" sign	112
(vi) contrary to any other traffic control sign..	94
(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..	68
(ii) where the offence is exceeding a time limit at any other place	50
(iii) where the offence is standing or parking for more than one hour at a place where standing or parking is prohibited ...	56

Offence	Penalty \$
(iv) where the offence is standing or parking for one hour or less at a place where standing or parking is prohibited	50
(v) where the offence is stopping or waiting on a clearway transit lane, bus lane or buses only lane or contrary to a “no stopping” sign.....	112
Regulation 61 (2) (a) or (c)	148
Regulation 61 (2) (b)	100
Regulation 65	124
Regulation 65A	94
Regulation 66, 66C (1) (a) or (b)	168
Regulation 66C (1) (c), (d) or (e) or 66D.....	94
Regulation 67 (1), 67 (2) (b), (c) or (d) or 67 (3)	168
Regulation 67B	94
Regulation 68 (1) (b), 68 (3) or 68A	94
Regulation 68B (3)	131
Regulation 71 (1) (a), 71 (2) (a), (b) or (c) or 71 (3A) 131	
Regulation 71 (1) (b) or 7 (2) (d)	168
Regulation 72 (1) or 72 (1B)	131
Regulation 72 (2)	168
Regulation 72A (1)	131
Regulation 72A (2)	168
Regulation 73	94
Regulation 74	131
Regulation 74A	94
Regulation 80	112
Regulation 80B.....	94
Regulation 81	50
Regulation 81A	56
Regulation 83 (a)	68
Regulation 83 (b).....	50
Regulation 84 (1), paragraph (c) excepted	50
Regulation 84 (1) (c):	
(a) where the motor vehicle is standing in a clearway transit lane, buses only transit lane or bus lane	94
(b) where the motor vehicle is standing in any other location	68
Regulation 85	50
Regulation 90 (1) (a) or (d) or 90A	94

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Offence	Penalty
	\$
Regulation 92, in respect of the standing of driving of a motor vehicle which does not comply with any of the following provisions of Schedule F:	
(a) paragraph (a) 118	168
(b) paragraph 147, where the motor vehicle is not fitted or equipped with seatbelts or seat belt anchorages	168
Regulation 95 (3)	56
Regulation 106, 107	75
Regulation 110A	56
Regulation 110E, 110F, or 110G	94
Regulation 111	56
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	579
(ii) is driven at a speed which exceeds by more than 30 km/h but not more than 45 km/h the speed permitted	289
(iii) is driven at a speed which exceeds by more than 15 km/h but not more than 30 km/h the speed permitted	150
(iv) is driven at a speed which exceeds by more than 15 km/h the speed permitted	94
(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	868
(ii) is driven at a speed which exceeds by more than 30 km/h but not more than 45 km/h the speed permitted	433
(iii) is driven at a speed which exceeds by more than 15 km/h but not more than 30 km/h the speed permitted	224
(iv) is driven at a speed which exceeds by not more than 15 km/h the speed permitted	144
(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	579

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	Offence	Penalty
		\$
(ii)	is driven at a speed which exceeds by more than 38 km/h but not more than 45 km/h the speed permitted	289
(iii)	is driven at a speed which exceeds by more than 15 km/h but not more than 30 km/h the speed permitted	226
(iv)	is driven at a speed which exceeds by not more than 15 km/h the speed permitted ..	144
Regulation 124A		579

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)		56

PART 3*Offences under the Motor Vehicles Taxation Act 1988*

	Offence	Penalty
		\$
Any offence under:		
Section 9 (1)		94

PART 4*Offences under the Motor Accidents Act 1988*

	Offence	Penalty
		\$
Any offence under:		
Section 9 (1)		94

PART 5*Offences under the Motor Vehicle Driving Instructors Act 1961*

Offence	Penalty
	\$
Any offence under: Section 9 (1) (a)	94

PART 6*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.....	75

PART 7*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	50
Ordinance No. 30:	
Any offence under clause 18A, 18M or 18C	50
Ordinance No. 34A:	
All offences under the Ordinance	50

PART 8*Offences under Regulations deemed to be made under the Traffic Act 1909*

Offence	Penalty
	\$
General Traffic (Pedestrian) Regulations 1937: All offences under the Regulations	36

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

Offence	Penalty
	\$
General Traffic Regulations 1916:	
Any offence under subsection 9 of section 6	68
Any other offences under the Regulations, subsections 3 (a), 7 (1), (2) and (3) of section 13 excepted	36

PART 9

*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	94

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.