

1992—No. 579

TRAFFIC ACT 1909—REGULATION

(Relating to penalties imposed by penalty notices for unlicensed driving)

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 13th November, 1992.

Amendments

2. The Motor Traffic Regulations 1935 are amended:

(a) by omitting from Table A of Part 1 of Schedule K the matter relating to section 6 (1) (a) and (b) and by inserting instead the following matter:

Section 6 (1) (a) or 6 (1) (b):

If, at the time of the offence:

(a) the driver held a licence under the Act (but not a licence appropriate to the class of vehicle driven)	200
(b) the driver held a licence issued under the law in force in another State or Territory, but had resided continuously in New South Wales during the previous 3 months	200
(c) the driver had held a licence under the Act that had expired less than 2 years before	200

- (d) the driver had held a licence under the Act that had expired 2 years or more before:
 - (i) for the first offence, or the first offence within the last 5 years 300
 - (ii) for the second or subsequent offence within the last 5 years 500
- (e) the driver had never held a licence:
 - (i) for the first offence, or the first offence within the last 5 years 300
 - (ii) for the second or subsequent offence within the last 5 years 500
- (b) by inserting at the end of Table A of Part 1 of Schedule K the following paragraph:

NOTE: In paragraphs (d) and (e) of the matter relating to section 6 (1) (a) and (b), “offence” includes an alleged offence for which a penalty notice was issued to the alleged offender.

EXPLANATORY NOTE

Section 6 (1) (a) of the Traffic Act 1909 makes it an offence to drive a motor vehicle on a public street without being licensed for that purpose. Section 6 (1) (b) provides that a person who employs or permits unlicensed persons to drive a motor vehicle is also guilty of an offence. The object to this Regulation is to amend the Motor Traffic Regulations 1935 to replace the present penalty for unlicensed driving with a range of penalties depending on the circumstances of the offence.
