

1994—No. 308

TRAFFIC ACT 1909—REGULATION

(Increasing the level of penalties imposed by penalty notices for traffic and parking infringements)

NEW SOUTH WALES



[Published in Gazette No. 88 of 1 July 1994]

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, M.P.
Minister for Transport and Minister for Roads.

Commencement

1. This Regulation commences on 1 July 1994.

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):	
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).	211
(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	211
(c) the driver had held a licence under the Act that had expired less than 2 years before	211
(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	316
(ii) for the second or subsequent offence within the last 5 years	526
(e) the driver had never held a licence:	
(i) for the first offence, or the first offence within the last 5 years	316
(ii) for the second or subsequent offence within the last 5 years	526
Section 6 (1) (c) (i), (ii), (iii) or (iv)	59
Section 6 (1) (c) (v)	359
Section 6A (2)	359
Section 26 (6)	200

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.

TABLE B

Offence	Penalty \$
Any offence under:	
Section 4 (1), for driving negligently	138
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	304
(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	456
(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	158
(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	238
(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	99
(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	152
Section 4A (1A):	
(a) where the motor vehicle is not a coach or heavy motor vehicle	608
(b) where the motor vehicle is a coach or heavy motor vehicle	913
Section 4AD (1), (2) or (3)	913
Section 4AE (3)	913
Section 5 (1)	99
Section 5 (3)	99
Section 8 (5)	99

Offence	Penalty \$
Section 11B	59
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	59
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 ..	79
(b) paragraph 4, defective road wheels, wheel studs or nuts	79
(c) paragraph 4, defective or missing body panels ..	59
(d) paragraph 4, defective LPG equipment	79
(e) paragraph 6, defective headlamps	59
(f) paragraph 9, defective tail lamps	59
(g) paragraph 16, defective brake lamps	59
(h) paragraph 43, 44A, 44B, 44C, 44D, ME, 45, 46, exceed dimensions	59
(i) paragraph 4, 57, 58, 58A, 59, 60, 61, 61A, 62, 63 (l), defective brakes	131
(j) paragraph 63 (2), defective emergency brakes...	59
(k) paragraph 4, 64 (a), defective steering	131
(l) paragraph 66 (l), excessive overhang	59
(m) paragraph 4, 67, oil and fuel leaks	79

Offence	Penalty \$
(n) paragraph 68A. seat belt removed or defective	177
(o) paragraph 4. 68B. defective seats. seat anchorages	79
(p) paragraph 4. 68C. defective door latches. hinges	59
(q) paragraph 75. defective body/chassis structural member	79
(r) paragraph 75. 75A. 76. undue emission. inefficient silencer	79
(s) paragraph 82. defective tyres	59
(t) paragraph 110. defective or missing fire extinguisher (bus)	59
(u) paragraph 119–145 and 150–153. road train equipment offences	79
Regulation 92 (1) (d)	99
Regulation 94 (1)	177
Regulation 94B (4)	177
Regulation 94B (5)	177
Regulation 104 (1) (c)	59
Regulation 104 (2)	59
Regulation 105	59
Regulation 108	79
Regulation 109	79
Regulation 110 (a)	79
Regulation 113B (1) (a) or (b). 113B (2) or 113C (2).	99
Regulation 113D (3)	131
Regulation 113E	79
Regulation 113F (a) to (c)	59
Regulation 113G (1) or (3)	131
Regulation 114 (1) (a) or (b)	59
Regulation 115 (1)	59
Regulation 116 (a) to (e)	59
Regulation 117G	103
Regulation 117H	103
Regulation 117M	103
Regulation 117N	103
Regulation 118 (1) (a) to (e)	99
Regulation 118 (1) (f)	131
Regulation 118 (5)	99
Regulation 118A (3)	99
Regulation 120A (1) (a) or (b)	131
Regulation 120A (1) (c)	59

Offence	Penalty \$
Regulation 123, permit or fail to take reasonable precautions to prevent contravention of Regulations 118 (1) (a) to (e), 118 (5) and 118A (3)	99
Regulation 123, permit or fail to take reasonable precautions to prevent contravention of Regulations 118 (1) (f) and 120A (1) (a) or (b)	131
Regulation 123, permit or fail to take reasonable precautions to prevent contravention of Regulations 119, 120, 120A (1) (c), 121 and 122	59
Regulation 126A (1), (2), (3) or (4)	131
Regulation 126B (5)	131
Regulation 126C (1), (2) or (5)	131
Regulation 126D	131
Regulation 126E	131
Regulation 126F (1) or (2)	131
Regulation 126G	131
Regulation 126H	131
Regulation 136A (2)	172
Regulation 136A (3)–(5)	96

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).....	59
Regulation 54 (7):	
(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))..	177
(ii) contrary to a "railway crossing stop" sign	177
(ii) contrary to a "truck & bus lane" or "trucks & buses must use low gear" sign	177

Offence	Penalty \$
(iv) contrary to a “truck & bus speed limit” sign	304
(v) contrary to a “bus lane”, “buses only lane” or “transit lane” sign	118
(vi) contrary to any other traffic control sign	99
(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 ..	72
(ii) where the offence is exceeding a time limit at any other place	53
(iii) where the offence is standing or parking for more than one hour at a place where standing or parking is prohibited	59
(iv) where the offence is standing or parking for one hour or less at a place where standing or parking is prohibited	53
(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 .	118
(vi) where the offence is standing or waiting contrary to a “disabled person” sign (that is, a traffic control sign displaying a symbol described in Regulation 54 (6) (ml))	118
Regulation 61 (2) (a) or (c)	177
Regulation 61 (2) (b)	106
Regulation 65	131
Regulation 65A	99
Regulation 66, 66C (1) (a) or (b)	177
Regulation 66C (1) (c), (d) or (e) or 66D	99
Regulation 67 (1), 67 (2) (b), (c) or (d) or 67 (3)	177
Regulation 67B	99
Regulation 68 (1) (b), 68 (3) or 68A	99
Regulation 68B (3)	138
Regulation 71 (1) (a), 71 (2) (a), (b) or (c) or 71 (3A)	138
Regulation 71 (1) (b) or 71 (2) (d)	177
Regulation 72 (1) or 72 (1B)	138
Regulation 72 (2)	177
Regulation 72A (1)	138
Regulation 72A (2)	177
Regulation 73	99
Regulation 74	138

Offence	Penalty
Regulation 74A	99
Regulation 80	118
Regulation 80B	99
Regulation 81	53
Regulation 81A	59
Regulation 83 (a)	72
Regulation 83 (b)	53
Regulation 84 (l), paragraph (c) excepted	53
Regulation 84 (1) (c):	
(a) where the motor vehicle is standing in a clearway, transit lane, buses only lane or bus lane	99
(b) where the motor vehicle is standing in any other location	72
Regulation 85	53
Regulation 90 (1) (a) or (d) or 90A	99
Regulation 92, in respect of the standing or driving of a motor vehicle which does not comply with paragraph 147 of Schedule F, where the motor vehicle is not fitted or equipped with seat belts or seat belt anchorages .	177
Regulation 95 (3)	59
Regulation 106, 107	79
Regulation 110A	59
Regulation 110E, 110F or 110G	99
Regulation 111	59
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	608
(ii) is driven at a speed which exceeds by more than 30 km/h but not more than 45 km/h the speed permitted	304
(iii) is driven at a speed which exceeds by more than 15 km/h but not more than 30 km/h the speed permitted	158
(iv) is driven at a speed which exceeds by not more than 15 km/h the speed permitted	99
(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.....	913

Offence	Penalty \$
(ii) is driven at a speed which exceeds by more than 30 km/h but not more than 45 km/h the speed permitted	456
(iii) is driven at a speed which exceeds by more than 15 km/h but not more than 30 km/h the speed permitted	238
(iv) is driven at a speed which exceeds by not more than 15 km/h the speed permitted .	152
(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	608
(ii) is driven at a speed which exceeds by more than 30 km/h but not more than 45 km/h the speed permitted	304
(iii) is driven at a speed which exceeds by more than 15 km/h but not more than 30 km/h the speed permitted	238
(iv) is driven at a speed which exceeds by not more than 15 km/h the speed permitted .	152
Regulation 124A	608

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)	59

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

Offence	Penalty \$
Any offence under: Section 9 (1)	359

PART 4*Offences under the Motor Accidents Act 1988*

Offence	Penalty \$
Any offence under: Section 8 (1)	359

PART 5*Offences under the Driving Instructors Act 1992*

Offence	Penalty \$
Any offence under:	
Section 20	513
Section 21	513
Section 29	205
Section 47 (1)	513
Section 48	513
Section 49 (2)	513
Section 52 (1) (a)	513
Section 53	205
Section 54	205
Section 55	513

PART 6*Offences under the Driving Instructors Regulation 1993*

Offence	Penalty \$
Any offence under clause 6 (1)	205
Any other offence under the Regulation	513

PART 7*Offences under the Local Government Act 1993*

Offence	Penalty \$
Any offence under section 650 relating to a notice or sign referred to in section 650 (2) (c)	118
Any other offence under section 650	53

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

Offence	Penalty \$
General Traffic (Pedestrian) Regulations 1937: All offences under the Regulations	38
General Traffic Regulations 1916: Any offence under subsection 9 of section 6	72
Any other offences under the Regulations, subsections 3 (a), 7 (1). (2) and (3) of section 13 excepted.....	38
Traffic (Parking) Transitional Regulation 1993: All offences under the Regulation	53

PART 9*Offences under Part 4A of the Clean Air Act 1961 and Regulations made under that Act*

Offence	Penalty \$
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	99

PART 10*Offences under the Tow Truck Act 1989*

Offence	Penalty \$
Any offence under:	
Section 15 (a), (b) or (c)	257
Section 34	205
Section 39	103
Section 40 (a) or (b)	103
Section 74 (2)	103

PART 11*Offences under the Tow Truck Regulation 1990*

Offence	Penalty \$
Any offence under:	
Clause 10 (3) or (5)	103
Clause 11 (1) or (2)	257
Clause 13 (a) or 13 (b)	103
Clause 15 (1) (a), (b) or (c)	257
Clause 16 (a) or 16 (b)	103
Clause 20 (1) (a) or (c)	103
Clause 20 (1) (b)	257

PART 12
Offences under the Roads Act 1993 and the regulations under that Act

Offence	Penalty \$
Roads Act 1993:	
Any offence under section 108, or under section 235 in relation to an offence under section 108:	
(a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum prescribed under the Roads Act 1993 with respect to that axle:	
by not more than 0.5 tonnes	175
by more than 0.5 tonnes but not more than 1 tonne	530
(b) if the offence arises because the axle load on a single axle with dual tyres exceeds the maximum prescribed under the Roads Act 1993 with respect to that axle:	
by not more than 1 tonne	175
by more than 1 tonne but not more than 1.5 tonnes	355
by more than 1.5 tonnes but not more than 2 tonnes	530
by more than 2 tonnes but not more than 2.5 tonnes	710
(c) if the offence arises because the sum of the axle loads on a twin steer axle group or a tandem axle group exceeds the maximum prescribed under the Roads Act 1993 with respect to that axle group:	
by not more than 1 tonne	175
by more than 1 tonne but not more than 1.5 tonnes	355
by more than 1.5 tonnes but not more than 2 tonnes	530
by more than 2 tonnes but not more than 2.5 tonnes	710
(d) if the offence arises because the sum of the axle loads on a tri-axle group exceeds the maximum prescribed under the Roads Act 1993 with respect to that axle group:	
by not more than 1 tonne	175
by more than 1 tonne but not more than 2 tonnes	355
by more than 2 tonnes but not more than 3 tonnes	530
by more than 3 tonnes but not more than 4 tonnes	710

Offence	Penalty \$
(e) if the offence arises because the laden weight of a vehicle exceeds the maximum laden weight prescribed under the Roads Act 1993 with respect to that vehicle:	
by not more than 1 tonne	175
by more than 1 tonne but not more than 2 tonnes	355
by more than 2 tonnes but not more than 3 tonnes	530
by more than 3 tonnes but not more than 4 tonnes	710
Any offence under section 112, or under section 235 in relation to an offence under section 112, if the offence arises because the laden weight of the vehicle exceeds the maximum specified by means of a notice displayed in accordance with section 112:	
by not more than 1 tonne	175
by more than 1 tonne but not more than 2 tonnes	355
by more than 2 tonnes but not more than 3 tonnes	530
by more than 3 tonnes but not more than 4 tonnes	710
Any offence under section 115 (4)	53
Any offence under section 235 in relation to an offence under clause 10 or 10A of the Roads (Weight of Loads on Main Roads) Transitional Regulation 1993 or clause 10 or 10A of the Roads (Weight of Loads on Roads other than Main Roads) Transitional Regulation 1993:	
(a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum prescribed by or under that clause with respect to that axle:	
by not more than 0.5 tonnes	175
by more than 0.5 tonnes but not more than 1 tonne	530
(b) if the offence arises because the axle load on a single axle with dual tyres exceeds the maximum prescribed by or under that clause with respect to that axle:	
by not more than 1 tonne	175
by more than 1 tonne but not more than 15 tonnes	355
by more than 15 tonnes but not more than 2 tonnes	530
by more than 2 tonnes but not more than 25 tonnes	710
(c) if the offence arises because the sum of the axle loads on a twin steer axle group or a tandem axle group exceeds the maximum prescribed by or under that clause with respect to that axle group:	
by not more than 1 tonne	175

Offence	Penalty
by more than 1 tone but not more than 1.5 tonnes	355
by more than 1.5 tonnes but not more than 2 tonnes	530
by more than 2 tonnes but not more than 2.5 tonnes	710
(d) if the offence arises because the sum of the axle loads on a tri-axle group exceeds the maximum prescribed by or under that clause with respect to that axle group:	
by not more than 1 tonne	175
by more than 1 tonne but not more than 2 tonnes	355
by more than 2 tonnes but not more than 3 tonnes	530
by more than 3 tonnes but not more than 4 tonnes	710
(e) if the offence arises because the laden weight of a vehicle exceeds the maximum laden weight prescribed by or under that clause with respect to that vehicle:	
by not more than 1 tonne	175
by more than 1 tonne but not more than 2 tonnes	355
by more than 2 tonnes but not more than 3 tonnes	530
by more than 3 tonnes but not more than 4 tonnes	710
Roads (General) Transitional Regulation 1993:	
Any offence under clause 18A, 18AA or 18C	53
Roads (Weight of Loads on Main Roads) Transitional Regulation 1993:	
Any offence under clause 10 or 10A:	
(a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum prescribed by or under that clause with respect to that axle:	
by not more than 0.5 tonnes	175
by more than 0.5 tonnes but not more than 1 tonne	530
(b) if the offence arises because the axle load on a single axle with dual tyres exceeds the maximum prescribed by or under that clause with respect to that axle:	
by not more than 1 tonne	175
by more than 1 tonne but not more than 1.5 tonnes	355
by more than 1.5 tonnes but not more than 2 tonnes	530
by more than 2 tonnes but not more than 2.5 tonnes	710

Offence	Penalty \$
(c) if the offence arises because the sum of the axle loads on a twin steer axle group or a tandem axle group exceeds the maximum prescribed by or under that clause with respect to that axle group:	
by not more than 1 tonne	175
by more than 1 tonne but not more than 15 tonnes	355
by more than 15 tonnes but not more than 2 tonnes	530
by more than 2 tonnes but not more than 2.5 tonnes	710
(d) if the offence arises because the sum of the axle loads on a tri-axle group exceeds the maximum prescribed by or under that clause with respect to that axle group:	
by not more than 1 tonne	175
by more than 1 tonne but not more than 2 tonnes	355
by more than 2 tonnes but not more than 3 tonnes	530
by more than 3 tonnes but not more than 4 tonnes	710
(e) if the offence arises because the laden weight of a vehicle exceeds the maximum laden weight prescribed by or under that clause with respect to that vehicle:	
by not more than 1 tonne	175
by more than 1 tonne but not more than 2 tonnes	355
by more than 2 tonnes but not more than 3 tonnes	530
by more than 3 tonnes but not more than 4 tonnes	710

Roads (Weight of Loads on Roads other than Main Roads) Transitional Regulation 1993:

Any offence under clause 10 or 10A:

- | | |
|---|-----|
| (a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum prescribed by or under that clause with respect to that axle: | |
| by not more than 0.5 tonnes | 175 |
| by more than 0.5 tonnes but not more than 1 tonne | 530 |
| (b) if the offence arises because the axle load on a single axle with dual tyres exceeds the maximum prescribed by or under that clause with respect to that axle: | |
| by not more than 1 tonne | 175 |
| by more than 1 tonne but not more than 15 tonnes | 355 |
| by more than 15 tonnes but not more than 2 tonnes | 530 |
| by more than 2 tonnes but not more than 2.5 tonnes | 710 |

Offence	Penalty \$
(c) if the offence arises because the sum of the axle loads on a twin steer axle group or a tandem axle group exceeds the maximum prescribed by or under that clause with respect to that axle group:	
by not more than 1 tonne	175
by more than 1 tonne but not more than 1.5 tonnes	355
by more than 1.5 tonnes but not more than 2 tonnes	530
by more than 2 tonnes but not more than 2.5 tonnes	710
(d) if the offence arises because the sum of the axle loads on a tri-axle group exceeds the maximum prescribed by or under that clause with respect to that axle group:	
by not more than 1 tonne	175
by more than 1 tonne but not more than 2 tonnes	355
by more than 2 tonnes but not more than 3 tonnes	530
by more than 3 tonnes but not more than 4 tonnes	710
(e) if the offence arises because the laden weight of a vehicle exceeds the maximum laden weight prescribed by or under that clause with respect to that vehicle:	
by not more than 1 tonne	175
by more than 1 tonne but not more than 2 tonnes	355
by more than 2 tonnes but not more than 3 tonnes	530
by more than 3 tonnes but not more than 4 tonnes	710

EXPLANATORY NOTE

The object of this Regulation is to increase certain 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.

This Regulation is made under the Traffic Act 1909, including section 18B.
