

1995—No. 271

TRAFFIC ACT 1909—REGULATION

(Increasing the level of penalties imposed by penalty notices for certain 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.

MICHAEL KNIGHT, M.P.
Minister for Roads.

Commencement

1. This Regulation commences on 1 July 1995.

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)	220
(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	220
(c) the driver had held a licence under the Act that had expired less than 2 years before.	220
(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.....	330
(ii) for the second or subsequent offence within the last 5 years.....	549
(e) the driver had never held a licence:	
(i) for the first offence, or the first offence within the last 5 years.....	330
(ii) for the second or subsequent offence within the last 5 years.....	549
Section 6 (1) (c) (i), (ii), (iii) or (iv)	61
Section 6 (1) (c) (v)	375
Section 6A (2)	375
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.....	144
Section 4A (1):	

Offence	Penalty \$
(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	317
(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	476
(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	165
(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	248
(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	103
(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	158
Section 4A (1A):	
(a) where the motor vehicle is not a coach or heavy motor vehicle	635
(b) where the motor vehicle is a coach or heavy motor vehicle	954
Section 4AD (1), (2) or (3)	954
Section 4AE (3)	954
Section 5 (1)	103
Section 5 (3)	103
Section 8 (5)	103
Section 11B	61

Offence	Penalty \$
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	61
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...	82
(b) paragraph 4, defective road wheels, wheel studs or nuts.....	82
(c) paragraph 4, defective or missing body panels	61
(d) paragraph 4, defective LPG equipment	82
(e) paragraph 6, defective headlamps	61
(f) paragraph 9, defective tail lamps	61
(g) paragraph 16, defective brake lamps	61
(h) paragraph 43, 44A, 44B, 44C, 44D, 44E, 45, 46, exceed dimensions	61
(i) paragraph 4, 57, 58, 58A, 59, 60, 61, 61A, 62, 63 (1) defective brakes	136
(j) paragraph 63 (2), defective emergency brakes.....	61
(k) paragraph 4, 64 (a), defective steering	136
(l) paragraph 66 (1), excessive overhang	61
(m) paragraph 4, 67, oil and fuel leaks	82
(n) paragraph 68A, seat belt removed or defective.....	184
(o) paragraph 4, 68B, defective seats, seat anchorages...	82
(p) paragraph 4, defective door latches, hinges.....	61

Offence	Penalty \$
(q) paragraph 75, defective body/chassis structural member	82
(r) paragraph 75, 75A, 76, undue emission, inefficient silencer	82
(s) paragraph 82, defective tyres	61
(t) paragraph 110, defective or missing fire extinguisher (bus)	61
(u) paragraph 119–145 and 150–153, road train equipment offences	82
Regulation 92 (1) (d)	103
Regulation 94 (1)	184
Regulation 94B (4)	184
Regulation 94B (5)	184
Regulation 104 (1) (c)	61
Regulation 104 (2)	61
Regulation 105	61
Regulation 108	82
Regulation 109	82
Regulation 110 (a)	82
Regulation 113B (1) (a):	
. (a) in respect of the offence of standing or driving a road train that is longer than 23 metres on a public street that is not an approved route according to the conditions of the relevant permit under Regulation 113A	773
. (b) in respect of any other offence	102
Regulation 113B (1) (b), 113B (2) or 113C (2)	102
Regulation 113D (3)	136
Regulation 113E	82
Regulation 113F (a) to (c)	61
Regulation 113G (1) or (3)	136
Regulation 114 (1) (a) or (b)	61
Regulation 115 (1)	61
Regulation 116 (a) to (e)	61
Regulation 117G	107
Regulation 117H	107
Regulation 117M	107
Regulation 117N	107
Regulation 118 (1) (a) to (e)	103
Regulation 118 (1) (f)	136
Regulation 118 (5)	103
Regulation 118A (3)	103

Offence	Penalty \$
Regulation 121C	136
Regulation 121D.....	61
Regulation 123, permit or fail to take reasonable precautions to prevent contravention of Regulations 118 (1) (a) to (e), 118 (5) and 118A (3)	103
Regulation 123, permit or fail to take reasonable precautions to prevent contravention of Regulations 118 (1) (f) and 121C	136
Regulation 123, permit or fail to take reasonable precautions to prevent contravention of Regulations 119, 120 and 121D	61
Regulation 126A (1), (2), (2A), (3) or (4)	136
Regulation 126B (5)	136
Regulation 126C (1), (2) or (5)	136
Regulation 126D	136
Regulation 126E	136
Regulation 126F (1) or (2)	136
Regulation 126G	136
Regulation 126H	136
Regulation 136A (2)	179
Regulation 136A (3)–(5)	100

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)....	61
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)).....	184
(ii) contrary to a "railway crossing stop" sign	184

Offence	Penalty \$
(iii) contrary to a “truck & bus lane” or “trucks & buses must use low gear” sign	184
(iv) contrary to a “truck & bus speed limit” sign	317
(v) contrary to a “bus lane”, “buses only lane” or “transit lane” sign	123
(vi) contrary to any other traffic control sign	103
(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 ..	75
(ii) where the offence is exceeding a time limit at any other place	55
(iii) where the offence is standing or parking for more than one hour at a place where standing or parking is prohibited	61
(iv) where the offence is standing or parking for one hour or less at a place where standing or parking is prohibited	55
(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.....	123
(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)).....	123
Regulation 61 (2) (a) or (c)	184
Regulation 61 (2) (b)	110
Regulation 65	136
Regulation 65A	103
Regulation 66, 66C (1) (a) or (b)	184
Regulation 66C (1) (c), (d) or (e) or 66D	103
Regulation 67 (1), 67 (2) (b), (c) or (d) or 67 (3)	184
Regulation 67B	103
Regulation 68 (1) (b), 68 (3) or 68A	103
Regulation 68B (3)	144
Regulation 71 (1) (a), 71 (2) (a), (b) or (c) or 71 (3A)	144
Regulation 71 (1) (b) or 71 (2) (d)	184
Regulation 72 (1) or 72 (1B)	144
Regulation 72 (2)	184

Offence	Penalty
	\$
Regulation 72A (1)	144
Regulation 72A (2)	184
Regulation 73.....	103
Regulation 74.....	144
Regulation 74A.....	103
Regulation 80.....	123
Regulation 80B.....	103
Regulation 81.....	55
Regulation 81A.....	61
Regulation 83 (a)	75
Regulation 83 (b)	55
Regulation 84 (1), paragraph (c) excepted.....	55
Regulation 84 (1) (c):	
(a) where the motor vehicle is standing in a clearway, transit lane, buses only lane or bus lane	103
(b) where the motor vehicle is standing in any other location.....	75
Regulation 85.....	55
Regulation 90 (1) (a) or (d) or 90A	103
Regulation 91H (1), (2), (4) or (5), 91I (a) or (b), 91J (2), 91K (b), 91R (1), (3) or (4), 91S (a) or (b), 91T (2), 91V (b), 91BB (1), (3), (4) or (5), 91CC (a) or (b), 91DD (2).....	55
Regulation 91K (a), 91U (a) or (b), 91V (a), 91EE (a) or (b)	311
Regulation 92, in respect of the standing or driving of a motor vehicle whch 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	184
Regulation 95 (3)	61
Regulation 106, 107	82
Regulation 110A	61
Regulation 110E, 110F or 110G	103
Regulation 111.....	61
Regulation 124:	
(a) where the motor vehicle, not king 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	635
(ii) is driven at a speed which exceeds by more than 30 km/h but not more than 45 km/h the speed permitted	317

Offence	Penalty \$
(iii) is driven at a speed which exceeds by more than 15 km/h but not more than 30 km/h the speed permitted.....	165
(iv) is driven at a speed which exceeds by not more than 15 km/h the speed permitted...	103
(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.....	954
(ii) is driven at a speed which exceeds by more than 30 km/h but not more than 45 km/h the speed permitted.....	476
(iii) is driven at a speed which exceeds by more than 15 km/h but not more than 30 km/h the speed permitted.....	248
(iv) is driven at a speed which exceeds by not more than 15 km/h the speed permitted...	158
(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.....	635
(ii) is driven at a speed which exceeds by more than 30 km/h but not more than 45 km/h the speed permitted.....	317
(iii) is driven at a speed which exceeds by more than 15 km/h but not more than 30 km/h the speed permitted.....	248
(iv) is driven at a speed which exceeds by not more than 15 km/h the speed permitted	158
Regulation 124A.....	635

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)	61

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

Offence	Penalty
	\$
Any offence under:	
Section 9 (1).....	375

PART 4*Offences under the Motor Accidents Act 1988*

Offence	Penalty
	\$
Any offence under:	
Section 8 (1).....	375

PART 5

Offence	Penalty
	\$
Any offence under:	
Section 20	536
Section 21.....	536
Section 29.....	214
Section 47 (1).....	536
Section 48.....	536
Section 49 (2).....	536
Section 52 (1) (a).....	536
Section 53.....	214
Section 54.....	214
Section 55.....	536

PART 6*Offences under the Driving Instructors Regulation 1993*

Offence	Penalty
	\$
Any offence under clause 6 (1).....	214
Any other offence under the Regulation.....	536

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).....	123
Any other offence under section 650.....	55

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.....	39
General Traffic Regulations 1916:	
Any offence under subsection 9 of section 6.....	75
Any other offences under the Regulations, subsections 3 (a), 7 (1), (2) and (3) of section 13 excepted.....	39

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.....	103

PART 10*Offences under the Tow Truck Act 1989*

Offence	Penalty
	\$
Any offence under:	
Section 15 (a), (b) or (c).....	268
Section 34.....	214
Section 39.....	107
Section 40 (a) or (b).....	187
Section 74 (2).....	107

PART 11*Offences under the Tow Truck Regulation 1990*

Offence	Penalty
	\$
Any offence under:	
Clause 10 (3) or (5).....	107
Clause 11 (1) or (2).....	268
Clause 13 (a) or 13 (b).....	107
Clause 15 (1) (a), (b) or (c).....	268
Clause 16 (a) or 16 (b).....	107
Clause 20 (1) (a) or (c).....	107
Clause 20 (1) (b).....	268

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	182
by more than 0.5 tonnes but not more than 1 tonne	553
(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	182
by more than 1 tonne but not more than 1.5 tonnes	370
by more than 1.5 tonnes but not more than 2 tonnes	553
by more than 2 tonnes but not more than 2.5 tonnes	741
(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	182
by more than 1 tonne but not more than 1.5 tonnes	370
by more than 1.5 tonnes but not more than 2 tonnes	553
by more than 2 tonnes but not more than 2.5 tonnes	741
(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	182
by more than 1 tonne but not more than 2 tonnes	370
by more than 2 tonnes but not more than 3 tonnes	553

Offence	Penalty
	\$
by more than 3 tonnes but not more than 4 tonnes	741
(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	182
by more than 1 tonne but not more than 2 tonnes	370
by more than 2 tonnes but not more than 3 tonnes	553
by more than 3 tonnes but not more than 4 tonnes	741
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	182
by more than 1 tonne but not more than 2 tonnes	370
by more than 2 tonnes but not more than 3 tonnes	553
by more than 3 tonnes but not more than 4 tonnes	741
Any offence under section 115 (4)	55
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	182
by more than 0.5 tonnes but not more than 1 tonne	553
(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	182
by more than 1 tonne but not more than 1.5 tonnes	370
by more than 1.5 tonnes but not more than 2 tonnes	553
by more than 2 tonnes but not more than 2.5 tonnes	741

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	182
by more than 1 tone but not more than 1.5 tonnes	370
by more than 1.5 tonnes but not more than 2 tonnes	553
by more than 2 tonnes but not more than 2.5 tonnes	741
(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	182
by more than 1 tonne but not more than 2 tonnes	370
by more than 2 tonnes but not more than 3 tonnes	553
by more than 3 tonnes but not more than 4 tonnes	741
(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	182
by more than 1 tonne but not more than 2 tonnes	370
by more than 2 tonnes but not more than 3 tonnes	553
by more than 3 tonnes but not more than 4 tonnes	741

Roads (Weight of Loads on Main Roads) Transitional Regulation1993:

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
 - by more than 0.5 tonnes but not more than 1 tonne
- (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

Offence		Penalty
		\$
by more than 1 tonne but not more than 1.5 tonnes		37
by more than 1.5 tonnes but not more than 2 tonnes		55
by more than 2 tonnes but not more than 2.5 tonnes.....		74
(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.....	18	
by more than 1 tonne but not more than 1.5 tonnes	37	
by more than 1.5 tonnes but not more than 2 tonnes.....	55	
by more than 2 tonnes but not more than 2.5 tonnes.....	74	
(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.....	18	
by more than 1 tonne but not more than 2 tonnes	37	
by more than 2 tonnes but not more than 3 tonnes	55	
by more than 3 tonnes but not more than 4 tonnes	74	
(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.....	18	
by more than 1 tonne but not more than 2 tonnes	37	
by more than 2 tonnes but not more than 3 tonnes	55	
by more than 3 tonnes but not more than 4 tonnes	74	

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.....	18	
by more than 0.5 tonnes but not more than 1 tonne	55	

Offence	Penalty
	\$
(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.....	182
by more than 1 tonne but not more than 1.5 tonnes	370
by more than 1.5 tonnes but not more than 2 tonnes	553
by more than 2 tonnes but not more than 2.5 tonnes	741
(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.....	182
by more than 1 tonne but not more than 1.5 tonnes	370
by more than 1.5 tonnes but not more than 2 tonnes	553
by more than 2 tonnes but not more than 2.5 tonnes	741
(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	182
by more than 1 tonne but not more than 2 tonnes	370
by more than 2 tonnes but not more than 3 tonnes	553
by more than 3 tonnes but not more than 4 tonnes	741
(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	182
by more than 1 tonne but not more than 2 tonnes	370
by more than 2 tonnes but not more than 3 tonnes	553
by more than 3 tonnes but not more than 4 tonnes	741

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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.
