

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



*[Published in Gazette No. 79 of 30 June 1995]*

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.

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**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 (l), 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 (l), 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).... Regulation 54 (7):	61
(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 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 .....	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 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 .....	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

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

Offence	Penalty \$
<b>Roads Act 1993:</b>	
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 1 15 (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 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

**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 .....   | 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 |

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 |



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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.

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