



New South Wales

Motor Traffic Amendment (Increased Penalties) Regulation 1998

under the
Traffic Act 1909

His Excellency the Governor, with the advise of the Executive Council, has made the following Regulation under the *Traffic Act 1909*.

CARL SCULLY MP
Minister for Roads

Explanatory note

The objects of this Regulation are:

- (a) to prescribe a particular penalty for the offence of stopping contrary to a "no stopping" sign in a way that obstructs a marked footcrossing or children's footcrossing, if that offence is dealt with by way of a penalty notice rather than a court, and
- (b) to increase the penalties payable in respect of certain other offences if those offences are dealt with by way of a penalty notice.

This Regulation is made under the *Traffic Act 1909*, and, in particular, under sections 3 (the general regulation-making power) and 18B (Penalty notices for certain offences).

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Clause 1 Motor Traffic Amendment (Increased Penalties) Regulation 1998

**Motor Traffic Amendment (Increased Penalties)
Regulation 1998**

1 Name of Regulation

This Regulation is the *Motor Traffic Amendment (Increased Penalties) Regulation 1998*.

2 Commencement

This Regulation commences on 30 September 1998.

3 Amendment of Motor Traffic Regulations 1935

The *Motor Traffic Regulations 1935* are amended as set out in Schedule 1

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Schedule K Prescribed offences and penalties for the purposes of section 18B of the Act

Omit the matter relating to section 6 from Table A of Part 1.
Insert instead:

Section 6 (1) (a) or (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, being a class of vehicle that requires a Class C, Class R, Class LR or Class MR licence):	
	(i) for the first offence, or the first offence within the last 5 years	320
	(ii) for the second or subsequent offence within the last 5 years	500
(b)	the driver held a licence under the Act (but not a licence appropriate to the class of vehicle driven, being a class of vehicle that requires a Class HR, Class HC or Class MC licence):	
	(i) for the first offence, or the first offence within the last 5 years	400
	(ii) for the second or subsequent offence within the last 5 years	800
(c)	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:	
	(i) for the first offence, or the first offence within the last 5 years	320
	(ii) for the second or subsequent offence within the last 5 years	500
(d)	the driver held a licence under the Act that had expired less than 2 years before:	
	(i) for the first offence, or the first offence within the last 5 years	320
	(ii) for the second or subsequent offence within the last 5 years	500

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(e)	the driver 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	400
(ii)	for the second or subsequent offence within the last 5 years	800
(f)	the driver had never been licensed within the meaning of section 6 (1E) (for the first offence only)	500

[2] Schedule K, Part 1, Table A

Omit the Note at the end of the Table.

[3] Schedule K, Part 1, Table B

Omit the amounts of the penalties set out in paragraphs (a) and (b) of the matter relating to section 4A (1).

Insert instead (respectively) "500" and "800".

[4] Schedule K, Part 1, Table B

Omit the amounts of the penalties set out in paragraphs (a) and (b) of the matter relating to section 4A (1A).

Insert instead (respectively) "1,380" and "2.072".

[5] Schedule K, Part 2, Table A

Omit the matter commencing "Regulation 12BA (2)". Insert instead:

Regulation 12BA (2):

(a)	if the restricted licence concerned is a provisional Class R licence and the holder of the licence drives a motorcycle with engine capacity greater than 260 ml or a power to weight ratio greater than 150 kilowatts per tonne:	
(i)	for the first offence, or the first offence within the last 5 years	320
(ii)	for the second or subsequent offence within the last 5 years	500
(b)	in any other case	67

Regulation 23, 31 (2), 56H, 56K, 56L, 56M, 56N
or 64

67

[6] Schedule K, Part 2, Table B

Insert after paragraph (b) (vi) of the matter relating to Regulation 54 (7):

(vii) where the offence is stopping or waiting contrary to a "no stopping" sign in a way that obstructs a marked footcrossing or a children's footcrossing	200
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[7] Schedule K, Part 2, Table B

Omit the matter relating to Regulation 124. Insert instead:

Regulation 124:

(a) where the motor vehicle, not being a motor vehicle referred to in Regulation 124 (1):	
(i) is driven at a speed that exceeds by more than 45 km/h the speed permitted	1,380
(ii) is driven at a speed that exceeds by more than 30 km/h but not more than 45 km/h the speed permitted	500
(iii) is driven at a speed that exceeds by more than 15 km/h but not more than 30 km/h the speed permitted	179
(iv) is driven at a speed that exceeds by not more than 15 km/h the speed permitted	112
(b) where the motor vehicle, being a coach or heavy motor vehicle:	
(i) is driven at a speed that exceeds by more than 45 km/h the speed permitted	2,072
(ii) is driven at a speed that exceeds by more than 30 km/h but not more than 45 km/h the speed permitted	800
(iii) is driven at a speed that exceeds by more than 15 km/h but not more than 30 km/h the speed permitted	270
(iv) is driven at a speed that exceeds by not more than 15 km/h the speed permitted	172
(c) where the motor vehicle, being a motor vehicle referred to in Regulation 124 (1), but not being a coach or heavy motor vehicle:	
(i) is driven at a speed that exceeds by more than 45 km/h the speed permitted	1,380

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(ii)	is driven at a speed that exceeds by more than 30 km/h but not more than 45 km/h the speed permitted	500
(iii)	is driven at a speed that exceeds by more than 15 km/h but not more than 30 km/h the speed permitted	270
(iv)	is driven at a speed that exceeds by not more than 15 km/h the speed permitted	172