



New South Wales

Road Transport (Driver Licensing) Amendment (Long Weekend Demerit Points) Regulation 2001

under the

Road Transport (Driver Licensing) Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Driver Licensing) Act 1998*.

CARL SCULLY, M.P.,

Minister for Roads

Explanatory note

The objects of this Regulation are as follows:

- (a) to specifically set out in the *Road Transport (Driver Licensing) Regulation 1999* the number of demerit points that are incurred in respect of road and traffic offences committed over long weekends,
- (b) to extend the double demerit points regime to include certain offences relating to the responsibility of drivers and motor bike riders and their passengers to wear seatbelts or helmets.

This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including sections 15 and 19 (the general regulation-making power).

2001 No 365

Clause 1 Road Transport (Driver Licensing) Amendment (Long Weekend Demerit Points) Regulation 2001

Road Transport (Driver Licensing) Amendment (Long Weekend Demerit Points) Regulation 2001

1 Name of Regulation

This Regulation is the *Road Transport (Driver Licensing) Amendment (Long Weekend Demerit Points) Regulation 2001*.

2 Commencement

This Regulation commences on 8 June 2001.

3 Amendment of Road Transport (Driver Licensing) Regulation 1999

The *Road Transport (Driver Licensing) Regulation 1999* is 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] Clause 36 Demerit points and offences

Omit clause 36 (3). Insert instead:

- (3) Despite subclauses (1) and (2), the number of demerit points to be allocated to an offence to which this clause applies (other than an offence under a law of another jurisdiction) committed over a long weekend is the number specified in Column 3 of Schedule 1 in respect of the offence.

[2] Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Demerit points offences and penalties

(Clause 36)

Part 1

Column 1 Offences	Column 2 Demerit Points	Column 3 Long weekend demerit points	Column 4 Provisions where offences created, except where indicated
Exceeding speed limit by more than 45 km/h	6	12	Rule 20 of <i>Australian Road Rules</i> or clause 38 (1), (5) or (6) or 39 of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>

2001 No 365

Road Transport (Driver Licensing) Amendment (Long Weekend Demerit Points) Regulation 2001

Schedule 1 Amendments

Column 1 Offences	Column 2 Demerit Points	Column 3 Long weekend demerit points	Column 4 Provisions where offences created, except where indicated
Exceeding speed limit by more than 30 km/h but not more than 45 km/h	4	8	Rule 20 of <i>Australian Road Rules</i> or clause 38 (1), (5) or (6) or 39 of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>
Exceeding speed limit by more than 15 km/h but not more than 30 km/h	3	6	Rule 20 of <i>Australian Road Rules</i> or clause 38 (1), (5) or (6) or 39 of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>
Exceeding speed limit by not more than 15 km/h	1	2	Rule 20 of <i>Australian Road Rules</i> or clause 38 (1), (5) or (6) or 39 of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>
Disobeying traffic light	3	4	Rule 57, 60, 61 or Part 17 of <i>Australian Road Rules</i> , but only at traffic lights other than traffic lights at toll booths
Disobeying stop or give way sign or line, or police directing traffic	3	4	Rule 67, 68, 69, 70, 71 or 101 of <i>Australian Road Rules</i>
Failing to give way	3	4	Rule 62, 63, 64, 73, 74, 75, 87, 148 or 149 of <i>Australian Road Rules</i> Rule 72 (1) of <i>Australian Road Rules</i> , but only in the circumstances referred to in rule 72 (2), (3) (a) or (4) (a)

Road Transport (Driver Licensing) Amendment (Long Weekend Demerit Points) Regulation 2001

Amendments

Schedule 1

Column 1 Offences	Column 2 Demerit Points	Column 3 Long weekend demerit points	Column 4 Provisions where offences created, except where indicated
Failing to stop or give way at pedestrian, children's or level crossing	3	4	Rule 65 (2) (a), 80, 81 (2), 121 or 122 of <i>Australian Road Rules</i>
Driving with unrestrained passengers under the age of 16 years	3	6	Rule 266 of <i>Australian Road Rules</i>
Using vehicle contrary to defect notice:			Clause 84 (2) of <i>Road Transport (Vehicle Registration) Regulation 1998</i>
(a) in the case of a major defect	3	4	
(b) in the case of a minor defect	1	2	
Driving on wrong side of dividing lines	3	4	Rule 132 (2) of <i>Australian Road Rules</i>
Driver not wearing seat belt (no unrestrained passengers)	3	6	Rule 264 of <i>Australian Road Rules</i>
Ride motor bike without helmet (rider alone)	3	6	Rule 270 (1) (a) of <i>Australian Road Rules</i>
Unlawfully driving past safety zone or tram or failing to give way to pedestrian crossing near stopped tram	3	4	Rule 162, 163 or 164 of <i>Australian Road Rules</i>
Negligent driving	3	4	Section 42 (1) (c) of <i>Road Transport (Safety and Traffic Management) Act 1999</i>
Improper passing or overtaking	2	3	Rule 140, 141, 142 or 144 of <i>Australian Road Rules</i>

2001 No 365

Road Transport (Driver Licensing) Amendment (Long Weekend Demerit Points) Regulation 2001

Schedule 1 Amendments

Column 1 Offences	Column 2 Demerit Points	Column 3 Long weekend demerit points	Column 4 Provisions where offences created, except where indicated
Changing direction or stopping without signalling	2	3	Rule 46 (1) or 48 (1) of <i>Australian Road Rules</i> , but only in the circumstances referred to in rule 46 (2) or 48 (2) respectively or rule 53, 112, 113, 117 or 118 (1) of those Rules
Turning improperly	2	3	Rule 27, 28, 31, 32, 33 or 43 of <i>Australian Road Rules</i>
Failing to keep left	2	3	Rule 129, 130, 131, 132 (1), 135 or 137 of <i>Australian Road Rules</i>
Failure to dip headlights	1	2	Rule 218 of <i>Australian Road Rules</i>
Following too closely	1	2	Rule 126 of <i>Australian Road Rules</i>
Driving at night/dark without headlight alight	1	2	Clause 53 (1) of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>

Part 2

Column 1 Offence	Column 2 Demerit points	Column 3 Long weekend demerit points	Column 4 Provision where offence created, except where indicated
Conduct associated with street racing	3	4	Section 41 (1) or (2) of <i>Road Transport (Safety and Traffic Management) Act 1999</i>
Not stop and supply required particulars at scene of crash	3	4	Rule 287 of <i>Australian Road Rules</i>
Drive vehicle towing excess weight	2	3	Clause 15 (6) (a) of <i>Road Transport (Driver Licensing) Regulation 1999</i>
Ride motor bike or motor trike towing other vehicle	2	3	Clause 15 (6) (b) of <i>Road Transport (Driver Licensing) Regulation 1999</i>
Not comply with conditions of licence	2	3	Clause 56 of <i>Road Transport (Driver Licensing) Regulation 1999</i>
Use vehicle when child is in child restraint in front seat position where airbag fitted	3	6	Clause 46 of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>
Drive vehicle with one unrestrained passenger	3	6	Clause 47B of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>

2001 No 365

Road Transport (Driver Licensing) Amendment (Long Weekend Demerit Points) Regulation 2001

Schedule 1 Amendments

Column 1 Offence	Column 2 Demerit points	Column 3 Long weekend demerit points	Column 4 Provision where offence created, except where indicated
Drive vehicle with 2 or more unrestrained passengers	6	12	Clause 47B of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>
Drive vehicle not wearing seatbelt and with one unrestrained passenger only	6	12	Clause 47B of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>
Drive vehicle not wearing seatbelt and with 2 or more unrestrained passengers	9	18	Clause 47B of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>
Ride motor bike with one passenger not wearing helmet	3	6	Rule 270 (1) (b) of <i>Australian Road Rules</i>
Ride motor bike with 2 or more passengers not wearing helmet	6	12	Rule 270 (1) (b) of <i>Australian Road Rules</i>
Ride motor bike without helmet and with one passenger only not wearing helmet	6	12	Rule 270 (1) (a) and (b) of <i>Australian Road Rules</i>
Ride motor bike without helmet and with 2 or more passengers not wearing helmet	9	18	Rule 270 (1) (a) and (b) of <i>Australian Road Rules</i>
Disobey "Trucks and buses low gear" sign	3	4	Rule 108 of <i>Australian Road Rules</i>
Drive contrary to roundabout road rules	3	4	Part 9 (except rules 112, 113, 117 and 118 (1)) of <i>Australian Road Rules</i>

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Amendments

Schedule 1

Column 1 Offence	Column 2 Demerit points	Column 3 Long weekend demerit points	Column 4 Provision where offence created, except where indicated
Fail to drive in bus lane or in truck lane where required	3	4	Rule 159 of <i>Australian Road Rules</i>
Disobey overhead lane control device	3	4	Rule 152 of <i>Australian Road Rules</i>
Cross continuous line separating marked lanes	3	4	Rules 147 of <i>Australian Road Rules</i>
Not drive within single marked lane or line of traffic	3	4	Rule 146 of <i>Australian Road Rules</i>
Overtake or pass stationary vehicle at pedestrian crossing or children's crossing	3	4	Rule 82 of <i>Australian Road Rules</i>
Increase speed while being overtaken	3	4	Rule 145 of <i>Australian Road Rules</i>
Long vehicle following other long vehicle too closely	3	4	Rule 127 of <i>Australian Road Rules</i>
Make unlawful U turn	2	3	Rule 38, 40 or 42 of <i>Australian Road Rules</i>
Not give out proper signal when drawing out from side of road	3	4	Rule 46 (1) or 48 (1) of <i>Australian Road Rules</i> , but only in the circumstances referred to in rule 46 (3) or 48 (3) respectively
Not have proper control of vehicle	3	4	Rule 297 of <i>Australian Road Rules</i>

2001 No 365

Road Transport (Driver Licensing) Amendment (Long Weekend Demerit Points) Regulation 2001

Schedule 1 Amendments

Column 1 Offence	Column 2 Demerit points	Column 3 Long weekend demerit points	Column 4 Provision where offence created, except where indicated
Unauthorised carriage of pillion passenger on motor bike or motor trike	2	3	Clause 12 (2) of the <i>Road Transport (Driver Licensing) Regulation 1999</i> , clause 47A (1) of the <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i> or rule 271 (4) of the <i>Australian Road Rules</i>
Pass bus at speed in excess of 40 km/h:			Clause 40 of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>
(a) where the motor vehicle is driven at a speed that exceeds 85 km/h	6	12	
(b) where the motor vehicle is driven at a speed that exceeds 70 km/h but does not exceed 85 km/h	4	8	
(c) where the motor vehicle is driven at a speed that exceeds 55 km/h but does not exceed 70 km/h	3	6	
(d) where the motor vehicle is driven at a speed that exceeds 40 km/h but does not exceed 55 km/h	1	2	

BY AUTHORITY