



New South Wales

Road Transport (General) (Short Descriptions and Penalty Notice Offences) Amendment (Driver and Passenger Safety) Regulation 2001

under the

Road Transport (General) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (General) Act 1999*.

CARL SCULLY, M.P.,

Minister for Roads

Explanatory note

The objects of this Regulation are as follows:

- (a) to increase, from \$115 to \$220, the amount of the penalty for certain offences when dealt with by way of a penalty notice under section 15 of the *Road Transport (General) Act 1999* (the offences concerned are mainly under the *Australian Road Rules*, and generally relate to the wearing of seatbelts by drivers and passengers, the wearing of motor bike helmets by riders and passengers and the fitting of child restraints),
- (b) to provide for an increased penalty in those cases where a number of passengers are conveyed by the driver of a motor vehicle, or by the rider of a motor bike, and the relevant passenger safety requirements are not being complied with.

This Regulation is made under the *Road Transport (General) Act 1999*, including sections 15 and 71 (the general regulation-making power).

2001 No 366

Clause 1 Road Transport (General) (Short Descriptions and Penalty Notice Offences) Amendment (Driver and Passenger Safety) Regulation 2001

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1 Name of Regulation

This Regulation is the Road Transport (General) (Short Descriptions and Penalty Notice Offences) Amendment (Driver and Passenger Safety) Regulation 2001.

2 Commencement

This Regulation commences on 8 June 2001.

3 Amendment of Road Transport (General) (Short Descriptions and Penalty Notice Offences) Regulation 1999

The Road Transport (General) (Short Descriptions and Penalty Notice Offences) 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] Schedule 2 Penalty notice offences

Omit the matter relating to rules 264, 265 and 266 of the *Australian Road Rules*.

Insert instead:

Rule 264	3164	driver not wearing seatbelt	1	220
Rule 265 (1) and (2)	3165	passenger 16 yrs or older not in seat with seatbelt	1	220
Rule 265 (1) and (3)	3166	passenger 16 yrs or older not wearing seatbelt	1	220
Rule 265 (1) and (4)	3167	passenger 16 yrs or older in front seat when not permitted	1	220
Rule 266 (1) and (2)	3168	drive with passenger under 1 yr not in restraint	1	220
Rule 266 (1) and (3)	3169	drive with passenger (over 1 yr but under 16 yrs) not restrained	1	220
Rule 266 (1) and (4)	3170	drive with passenger (under 16 yrs) in front seat not restrained	1	220

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Schedule 1 Amendments

[2] Schedule 2

Omit the matter relating to rule 270 of the *Australian Road Rules*.

Insert instead:

Rule 270 (1) (a)	3178	ride motor bike with no helmet (rider alone)	1	220
Rule 270 (1) (b) (where helmeted rider rides bike with one unhelmeted passenger only)	1421	ride motor bike with one unhelmeted passenger	1	220
Rule 270 (1) (b) (where helmeted rider rides bike with 2 unhelmeted passengers)	1422	ride motor bike with 2 unhelmeted passengers	1	440
Rule 270 (1) (b) (where helmeted rider rides bike with 3 unhelmeted passengers)	1424	ride motor bike with 3 unhelmeted passengers	1	660
Rule 270 (1) (b) (where helmeted rider rides bike with 4 or more unhelmeted passengers)	1426	ride motor bike with 4 or more unhelmeted passengers	1	880
Rule 270 (1) (a) and (b) (where unhelmeted rider rides bike with one unhelmeted passenger only)	1427	ride motor bike with one unhelmeted passenger (rider not helmeted)	1	440
Rule 270 (1) (a) and (b) (where unhelmeted rider rides bike with 2 unhelmeted passengers)	1428	ride motor bike with 2 unhelmeted passengers (rider not helmeted)	1	660
Rule 270 (1) (a) and (b) (where unhelmeted rider rides bike with 3 unhelmeted passengers)	1429	ride motor bike with 3 unhelmeted passengers (rider not helmeted)	1	880

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Amendments

Schedule 1

Rule 270 (1) (a) and (b) (where unhelmeted rider rides bike with 4 or more unhelmeted passengers)	1430	ride motor bike with 4 or more unhelmeted passengers (rider not helmeted)	1	1,100
Rule 270 (2)	3180	motor bike passenger not wearing helmet	1	220

[3] Schedule 2

Omit the matter relating to clause 46 (1) of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

Insert instead:

Clause 46 (1)	2057	front seat child restraint where airbag fitted	1	220
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[4] Schedule 2

Insert after the matter relating to clause 47A of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*:

Clause 47B (where driver wearing seatbelt drives with one unrestrained passenger only)	1431	drive with one unrestrained passenger	1	220
Clause 47B (where driver wearing seatbelt drives with 2 unrestrained passengers)	1432	drive with 2 unrestrained passengers	1	440
Clause 47B (where driver wearing seatbelt drives with 3 unrestrained passengers)	1433	drive with 3 unrestrained passengers	1	660
Clause 47B (where driver wearing seatbelt drives with 4 or more unrestrained passengers)	1434	drive with 4 or more unrestrained passengers	1	880

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Schedule 1 Amendments

Clause 47B (where driver not wearing seatbelt drives with one unrestrained passenger only)	1435	drive with one unrestrained passenger (driver not wearing seatbelt)	1	440
Clause 47B (where driver not wearing seatbelt drives with 2 unrestrained passengers)	1436	drive with 2 unrestrained passengers (driver not wearing seatbelt)	1	660
Clause 47B (where driver not wearing seatbelt drives with 3 unrestrained passengers)	1437	drive with 3 unrestrained passengers (driver not wearing seatbelt)	1	880
Clause 47B (where driver not wearing seatbelt drives with 4 or more unrestrained passengers)	1440	drive with 4 or more unrestrained passengers (driver not wearing seatbelt)	1	1,110

BY AUTHORITY