



New South Wales

Road Transport (Driver Licensing) Amendment (Demerit Points Offences and Penalties) 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 object of this Regulation is to amend the *Road Transport (Driver Licensing) Regulation 1999* (the 1999 Regulation) so as to bring into line demerit points offences under the 1999 Regulation with a table of demerit point offences (as set out in Appendix B of the part headed “Supporting Principles” in the document titled *National Driver Licensing Scheme: Policy Proposal* prepared by the National Road Transport Commission in October 1997) endorsed by the Australian Transport Council. For example, this Regulation prescribes offences under the *Australian Road Rules* of driving in a bus lane and driving in a truck lane as offences for which demerit points may be incurred and the number of demerit points incurred for each offence.

This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including sections 15 (Offences for which demerit points are incurred) and 19 (the general regulation-making power).

2001 No 952

Clause 1 Road Transport (Driver Licensing) Amendment (Demerit Points Offences and Penalties) Regulation 2001

Road Transport (Driver Licensing) Amendment (Demerit Points Offences and Penalties) Regulation 2001

1 Name of Regulation

This Regulation is the *Road Transport (Driver Licensing) Amendment (Demerit Points Offences and Penalties) Regulation 2001*.

2 Amendment of Road Transport (Driver Licensing) Regulation 1999

The *Road Transport (Driver Licensing) Regulation 1999* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment

(Clause 2)

Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Demerit points offences and penalties

(Clause 36)

Part 1

Column 1	Column 2	Column 3	Column 4
Offences	Demerit points	Long weekend demerit points	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>
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>
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>
Exceeding speed limit by not more than 15 km/h	1	2	Rule 20 of <i>Australian Road Rules</i>

2001 No 952

Road Transport (Driver Licensing) Amendment (Demerit Points Offences and Penalties) Regulation 2001

Schedule 1 Amendment

Column 1	Column 2	Column 3	Column 4
Offences	Demerit points	Long weekend demerit points	Provisions where offences created, except where indicated
Disobeying traffic light	3	4	Rule 57, 60, 61, 63 (2), 66 (except at level crossing) or Part 17 of <i>Australian Road Rules</i> Rule 56 or 59 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, 71 or 101 of <i>Australian Road Rules</i>
Failing to give way	3	4	Rule 62, 63 (3), 64, 73, 74, 75, 84, 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)
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>

Road Transport (Driver Licensing) Amendment (Demerit Points Offences and Penalties) Regulation 2001

Amendment

Schedule 1

Column 1	Column 2	Column 3	Column 4
Offences	Demerit points	Long weekend demerit points	Provisions where offences created, except where indicated
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 93, 94, 140, 141, 142, 143 or 144 of <i>Australian Road Rules</i>
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, 29, 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>

2001 No 952

Road Transport (Driver Licensing) Amendment (Demerit Points Offences and Penalties) Regulation 2001

Schedule 1 Amendment

Column 1	Column 2	Column 3	Column 4
Offences	Demerit points	Long weekend demerit points	Provisions where offences created, except where indicated
Following too closely	1	2	Rule 126 of <i>Australian Road Rules</i>

Part 2

Column 1	Column 2	Column 3	Column 4
Offence	Demerit points	Long weekend demerit points	Provision where offence created, except where indicated
Exceeding speed limit by more than 45 km/h	6	12	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 30 km/h but not more than 45 km/h	4	8	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	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	Clause 38 (1), (5) or (6) or 39 of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i>
Conduct associated with road or drag racing	3	4	Section 41 (1) or (2) of <i>Road Transport (Safety and Traffic Management) Act 1999</i>

Road Transport (Driver Licensing) Amendment (Demerit Points Offences and Penalties) Regulation 2001

Amendment

Schedule 1

Column 1	Column 2	Column 3	Column 4
Offence	Demerit points	Long weekend demerit points	Provision where offence created, except where indicated
Not stop and supply required particulars at scene of crash	3	4	Rule 287 of <i>Australian Road Rules</i>
Disobey give way sign on bridge/narrow road	3	4	Rule 70 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>
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>

2001 No 952

Road Transport (Driver Licensing) Amendment (Demerit Points Offences and Penalties) Regulation 2001

Schedule 1 Amendment

Column 1	Column 2	Column 3	Column 4
Offence	Demerit points	Long weekend demerit points	Provision where offence created, except where indicated
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>
Bus or truck driver fail to drive in bus lane or in truck lane where required	3	4	Rule 159 of <i>Australian Road Rules</i>
Drive in bus lane	3	4	Rule 154 of <i>Australian Road Rules</i>
Drive in truck lane	3	4	Rule 157 of <i>Australian Road Rules</i>
Disobey overhead lane control device	3	4	Rule 152 of <i>Australian Road Rules</i>

Road Transport (Driver Licensing) Amendment (Demerit Points Offences and Penalties) Regulation 2001

Amendment

Schedule 1

Column 1	Column 2	Column 3	Column 4
Offence	Demerit points	Long weekend demerit points	Provision where offence created, except where indicated
Cross continuous line separating marked lanes	3	4	Rule 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 37, 38, 39, 40, 41 or 42 of <i>Australian Road Rules</i>
Not give 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>
Unauthorised carriage of pillion passenger on motor bike or motor trike	2	3	Clause 12 (2) of <i>Road Transport (Driver Licensing) Regulation 1999</i> , clause 45A (1) or 47A (1) of <i>Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999</i> or rule 271 (4) of <i>Australian Road Rules</i>

2001 No 952

Road Transport (Driver Licensing) Amendment (Demerit Points Offences and Penalties) Regulation 2001

Schedule 1 Amendment

Column 1	Column 2	Column 3	Column 4
Offence	Demerit points	Long weekend demerit points	Provision where offence created, except where indicated
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>
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