



New South Wales

Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Speeding) Regulation 2002

under the

Road Transport (Safety and Traffic Management) Act 1999

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

CARL SCULLY, M.P.,

Minister for Roads

Explanatory note

The object of this Regulation is to amend the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*:

- (a) to provide for additional penalties where a person drives a motor vehicle at a speed in excess of 130km/h, and
- (a) to increase the minimum licence disqualification period on conviction for an offence of exceeding the speed limit by more than 45km/h from 3 months to 6 months, and
- (a) to increase the minimum licence disqualification period on conviction for an offence of exceeding the speed limit by more than 30km/h from 1 month to 3 months.

This Regulation is made under the *Road Transport (Safety and Traffic Management) Act 1999*, including section 71 (the general regulation-making power) and Schedule 1.

2002 No 882

Clause 1 Road Transport (Safety and Traffic Management) (Road Rules)
Amendment (Speeding) Regulation 2002

Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Speeding) Regulation 2002

under the

Road Transport (Safety and Traffic Management) Act 1999

1 Name of Regulation

This Regulation is the Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Speeding) Regulation 2002.

2 Commencement

This Regulation commences on 1 December 2002.

3 Amendment of Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999

The Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 154 Penalties and disqualifications for speeding offences

Omit “subclauses (3)–(5)” from clause 154 (2).

Insert instead “subclauses (2A)–(5)”.

[2] Clause 154 (2A)

Insert after clause 154 (2):

(2A) **Exceeding speed limit by driving at speed of more than 130km/h**

A person who commits a speeding offence by driving at a speed in excess of 130km/h is:

- (a) liable to a maximum penalty of 30 penalty units (in the case of a large motor vehicle) or 20 penalty units (in any other case), and
- (b) disqualified from holding a driver licence by a conviction for the offence:
 - (i) where the person exceeded the speed limit by more than 45 km/h—for 6 months (without any specific order) or, if the court on the conviction thinks fit to order a longer period of disqualification, for the period specified in the order, or
 - (ii) where the person exceeded the speed limit by more than 30km/h but not more than 45km/h—for 3 months (without any specific order) or, if the court on the conviction thinks fit to order a longer period of disqualification, for the period specified in the order, or
 - (iii) where the person exceeded the speed limit by 30km/h or less—for 1 month (without any specific order) or, if the court on the conviction thinks fit to order a longer period of disqualification, for the period specified in the order.

[3] Clause 154 (3)–(5)

Insert “to whom subclause (2A) does not apply” after “A person” wherever occurring in clause 154 (3)–(5).

2002 No 882

Road Transport (Safety and Traffic Management) (Road Rules)
Amendment (Speeding) Regulation 2002

Schedule 1 Amendments

[4] Clause 154 (3) (b)

Omit “3 months”. Insert instead “6 months”.

[5] Clause 154 (4) (b)

Omit “1 month”. Insert instead “3 months”.

[6] Clause 154 (8) and (9)

Insert after clause 154 (7):

(8) Alternative verdicts in prosecutions of driving at speed in excess of 130km/h

If on a prosecution of a person for an offence under subclause (2A), the court is satisfied that the person exceeded the relevant speed limit, but is not satisfied that the person was driving at a speed of more than 130 km/h, the court may:

- (a) convict the person of an offence under subsection (3) if it is satisfied that the speed limit was exceeded by more than 45km/h, or
- (b) convict the person of an offence under subsection (4) if it is satisfied that the speed limit was exceeded by more than 30km/h, or
- (c) convict the person of an offence under subsection (5) if it is not satisfied that the speed limit was exceeded by more than 30km/h.

(9) Definitions

In this clause:

heavy motor vehicle means:

- (a) a motor vehicle that has a GVM exceeding 12 tonnes, or
- (b) a motor vehicle and trailer combination that has a GCM exceeding 12 tonnes.

large motor vehicle means:

- (a) a coach, or
- (b) a motor vehicle that has a GVM exceeding 4.5 tonnes, or
- (c) a motor vehicle and trailer combination that has a GCM exceeding 4.5 tonnes.

BY AUTHORITY
