



New South Wales

Road Transport (Driver Licensing) Amendment (Demerit Points) Regulation 2005

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*.

MICHAEL COSTA, M.L.C.,
Minister for Roads

Explanatory note

The object of this Regulation is to establish new scales for motor vehicle offence demerit points. One scale comprises a national schedule of demerit points that applies in relation to similar kinds of offences committed in New South Wales and elsewhere, the other scale comprises a schedule of demerit points that applies only to offences committed in New South Wales.

This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including section 15 (Offences for which demerit points are incurred) and section 19 (the general power to make regulations).

2005 No 277

Clause 1 Road Transport (Driver Licensing) Amendment (Demerit Points) Regulation
2005

Road Transport (Driver Licensing) Amendment (Demerit Points) Regulation 2005

under the

Road Transport (Driver Licensing) Act 1998

1 Name of Regulation

This Regulation is the *Road Transport (Driver Licensing) Amendment (Demerit Points) Regulation 2005*.

2 Commencement

This Regulation commences on 1 July 2005.

3 Amendment of Road Transport (Driver Licensing) Regulation 1999

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

Schedule 1 Amendments

(Clause 3)

[1] Clause 36 Demerit points and offences

Omit clause 36 (1)–(3). Insert instead:

- (1) For the purposes of section 15 (1) (a) of the Act, the national schedule of demerit points comprises the offences set out in Columns 1 and 2 of Schedule 1, and the points specified in relation to each offence set out in Column 3 of Schedule 1.
- (2) For the purposes of section 15 (1) (b) of the Act, the offences set out in Columns 1 and 2 of Schedule 2, and the points specified in relation to each offence set out in Column 3 of Schedule 2, are prescribed.
- (3) Despite subclauses (1) and (2), the number of demerit points to be allocated to an offence committed over a long weekend (other than an offence of another jurisdiction) is the number of points specified in Column 4 of Schedule 1 or 2, as the case may be, in respect of the offence.

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Schedule 1 Amendments

[2] Schedules 1 and 2

Omit Schedule 1. Insert instead:

Schedule 1 National schedule of demerit point offences

(Clause 36 (1) and (3))

Australian Road Rules

Column 1	Column 2	Column 3	Column 4
Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Rule 20	Exceeding speed limit:		
	(a) where the speed limit is exceeded by more than 45km/h	6	12
	(b) where the speed limit is exceeded by more than 30km/h but not exceeded by more than 45km/h	4	8
	(c) where the speed limit is exceeded by more than 15km/h but not exceeded by more than 30km/h	3	6
	(d) where the speed limit is exceeded by not more than 15km/h	3	6
Rule 27, 28, 29, 31, 32, 33 or 43	Turning improperly	2	2
Rule 37, 39, 40, 41 or 42	Make unlawful U-turn	2	2
Rule 38, 62, 63 (3), 64, 72 (1), 73, 74, 75, 84, 87, 114, 148 or 149	Failing to give way	3	3
Rule 46 (1) or 48 (1), but only in the circumstances referred to in rule 46 (3) or 48 (3) respectively	Not give proper signal when driving out from side of road	2	2

Australian Road Rules

Column 1	Column 2	Column 3	Column 4
Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Rule 46 (1) or 48 (1) (but only in the circumstances referred to in rule 46 (2) or 48 (2) respectively), 53, 112, 113, 117 or 118 (1)	Changing direction or stopping without signalling	2	2
Rule 56 or 59, but only at traffic lights other than traffic lights at toll booths	Disobeying traffic light	3	3
Rule 57, 60, 61, 63 (2) or 66 (except at level crossing) or Part 17	Disobeying traffic light	3	3
Rule 65 (2) (a), 80, 81 (2), 121 or 122	Failing to stop or give way at pedestrian, children's or level crossing	3	3
Rule 65 (2) (b)	Obstruct pedestrian—flashing yellow light	3	3
Rule 65 (2) (c)	Overtake/pass vehicle—flashing yellow light	3	3
Rule 67, 68, 69, 71 or 101	Disobeying stop (including hand-held stop) or give way sign or line	3	3
Rule 70	Disobey give way sign on bridge/narrow road	3	3
Rule 76 (1)	Drive into path of approaching tram	3	3
Rule 76 (2)	Not move out of path of approaching tram	3	3
Rule 77 (1)	Driver in left lane/traffic line not give way to bus	3	3
Rule 78 (1)	Move into path of police or emergency vehicle	3	3

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Schedule 1 Amendments

Australian Road Rules

Column 1	Column 2	Column 3	Column 4
Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Rule 78 (2)	Not move out of path of police or emergency vehicle	3	3
Rule 79 (1)	Not give way to police or emergency vehicle	3	3
Rule 81 (1)	Approach pedestrian crossing too quickly to stop safely if necessary	3	3
Rule 82	Overtake or pass vehicle—children's or pedestrian crossing	3	3
Rule 83	Not give way to pedestrian in shared zone	3	3
Rule 85	Not give way to vehicle in/entering turning lane	3	3
Rule 86 (1)	Not give way to vehicle (median turning bay)	3	3
Rule 88, 89, 90 or 91	Disobey traffic sign	2	2
Rule 93, 94 or 143	Overtake/pass vehicle contrary to sign	2	2
Rule 115	Not drive to left of central traffic island in the roundabout	2	2
Rule 123 (a)	Enter a level crossing when warning lights or bells operating	3	3
Rule 123 (b)	Enter a level crossing when gate, boom or barrier is closed, opening or closing	3	3
Rule 123 (c)	Enter a level crossing when a train or tram is on or entering the crossing	3	3
Rule 123 (d)	Enter a level crossing when a train or tram is approaching the crossing	3	3
Rule 123 (e)	Enter a level crossing when crossing or road beyond is blocked	3	3
Rule 126	Following too closely	3	3
Rule 129	Not drive far left side of road	2	2

Australian Road Rules

Column 1	Column 2	Column 3	Column 4
Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Rule 130, 131, 132 or 135	Failing to keep left	3	3
Rule 140	Overtake vehicle when unsafe	3	3
Rule 141	Overtake to left of vehicle	2	2
Rule 142 (1)	Overtake to right of vehicle turning right/making U-turn	3	3
Rule 144	Fail to keep safe distance when overtaking	3	3
Rule 152	Disobey overhead lane control device	3	3
Rule 162, 163 or 164	Unlawfully driving past safety zone or stopped tram or failing to give way to pedestrian crossing near stopped tram	2	2
Rule 218	Failure to dip headlights	1	1
Rule 219	Use lights to dazzle another road user	1	1
Rule 264	Driver not wearing seat belt (no unrestrained passengers)	3	6
Rule 266	Driving with unrestrained passengers under the age of 16 years	3	6
Rule 270 (1) (a)	Ride motor bike without helmet (rider alone)	3	6
Rule 288 (4)	Driver not give way to user/animal on path	3	3
Rule 289 (2)	Driver not give way to road user/animal on nature strip	3	3
Rule 304	Fail to obey police direction	3	3

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Schedule 1 Amendments

Road Transport (Safety and Traffic Management) Act 1999

Column 1	Column 2	Column 3	Column 4
Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Section 42 (1) (c)	Negligent driving	3	3

Road Transport (Vehicle Registration) Regulation 1998

Column 1	Column 2	Column 3	Column 4
Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Clause 84 (2)	Use vehicle contrary to a defect notice:		
	(a) in case of a major defect	3	3
	(b) in case of a minor defect	1	1

Schedule 2 Additional demerit point offences

(Clause 36 (2) and (3))

Australian Road Rules

Column 1	Column 2	Column 3	Column 4
Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Rule 46 (1) or 48 (1), but only in the circumstances referred to in rule 46 (4) or 48 (4) respectively	Not stop change of direction signal after change	2	2
Rule 51	Operate indicator light unlawfully	2	2
Rule 92 (1)	Disobey traffic sign/road marking at intersection	2	2

Australian Road Rules

Column 1	Column 2	Column 3	Column 4
Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Rule 95 (1)	Drive in emergency stopping lane	2	2
Rule 96 (1)	Stop on area marked with keep clear marking	2	2
Rule 97 (1)	Disobey road access sign	2	2
Rule 98 (1)	Disobey one-way sign	2	2
Rule 99	Disobey keep left/right sign	2	2
Rule 100	Disobey no entry sign	2	2
Rule 108	Disobey trucks and buses low gear sign	3	3
Rule 111 (1), 116 or 118 (2)	Drive contrary to roundabout rules	2	2
Rule 124	Fail to leave a level crossing	3	3
Rule 127	Long vehicle following other long vehicle too closely, otherwise than where following long vehicle is: (a) a class B or class C motor vehicle, and (b) in a Safe-T-Cam zone	3	3
Rule 127	Long vehicle following other long vehicle too closely, where following long vehicle is: (a) a class B or class C motor vehicle, and (b) in a Safe-T-Cam zone	4	4
Rule 136	Drive wrong way on one-way service road	3	3
Rule 137	Drive on dividing strip	2	2
Rule 138 (1)	Drive on/over continuous line near painted island	2	2
Rule 145	Increase speed while being overtaken	3	3

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Schedule 1 Amendments

Australian Road Rules

Column 1	Column 2	Column 3	Column 4
Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Rule 146	Not drive within single marked lane or line of traffic, otherwise than where vehicle not driven within single marked lane or line of traffic is: (a) a class B or class C motor vehicle, and (b) in a Safe-T-Cam zone	2	2
Rule 146	Not drive within single marked lane or line of traffic, where vehicle not driven within single marked lane or line of traffic is: (a) a class B or class C motor vehicle, and (b) in a Safe-T-Cam zone	4	4
Rule 147	Cross continuous line separating marked lanes, otherwise than where vehicle crossing line is: (a) a class B or class C motor vehicle, and (b) in a Safe-T-Cam zone	2	2
Rule 147	Cross continuous line separating marked lanes, where vehicle crossing line is: (a) a class B or class C motor vehicle, and (b) in a Safe-T-Cam zone	4	4
Rule 150	Drive on/over continuous white edge line, where vehicle driven is: (a) a class B or class C motor vehicle, and (b) in a Safe-T-Cam zone	4	4

Australian Road Rules

Column 1	Column 2	Column 3	Column 4
Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Rule 150	Drive on/over continuous white edge line, where vehicle driven is: (a) not a class B or class C motor vehicle, and (b) in a Safe-T-Cam zone	2	2
Rule 150	Drive on/over continuous white edge line, where vehicle driven is not in a Safe-T-Cam zone	2	2
Rule 154	Drive in bus lane	3	3
Rule 157	Drive in truck lane	3	3
Rule 159	Bus or truck driver fail to drive in bus lane or in truck lane where required	3	3
Rule 171 (1)	Stop on/near children's crossing	1	1
Rule 172 (1)	Stop on/near pedestrian crossing	1	1
Rule 173 (1)	Stop on/near marked foot crossing	1	1
Rule 175 (1)	Stop on/near level crossing	1	1
Rule 268 (3)	Part of body outside vehicle window/door (driver)	3	3
Rule 268 (4)	Drive with part of passenger's body outside window/door	3	3
Rule 270 (1) (a) and (b)	Ride motor bike without helmet and with one passenger only not wearing helmet	6	12
Rule 270 (1) (a) and (b)	Ride motor bike without helmet and with 2 or more passengers not wearing helmets	9	18
Rule 270 (1) (b)	Ride motor bike with one passenger not wearing helmet	3	6
Rule 270 (1) (b)	Ride motor bike with 2 or more passengers not wearing helmets	6	12
Rule 271 (1) (a)	Not sit astride on motor bike rider's seat	3	3

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Schedule 1 Amendments

Australian Road Rules

Column 1	Column 2	Column 3	Column 4
Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Rule 271 (4)	Unauthorised carriage of pillion passenger on motor bike or motor trike	3	3
Rule 271 (5)	Exceed number of passengers in motor bike side car	3	3
Rule 287	Not stop and supply required particulars at scene of crash	3	3
Rule 288 (1)	Drive on path	3	3
Rule 289 (1)	Drive on nature strip	3	3
Rule 290	Drive on traffic island	3	3
Rule 291	Start or drive a vehicle causing unnecessary noise or smoke	3	3
Rule 292 (a)	Drive/tow vehicle with unsecured load	3	3
Rule 292 (b)	Drive/tow vehicle with load causing instability	3	3
Rule 292 (c)	Drive/tow vehicle with overhanging load	3	3
Rule 293 (2)	Not remove/have removed any thing fallen/put upon road	3	3
Rule 294 (1)	Tow without appropriate control of towed vehicle	3	3
Rule 294 (2) (a)	Tow without control of trailer	3	3
Rule 294 (2) (b)	Tow trailer when unsafe	3	3
Rule 295 (1) and (2)	Not keep required distance (towing with towline)	2	2
Rule 295 (1) and (3)	Not keep required distance (towing with towline—motor bike)	2	2
Rule 295 (1), (4) and (5) (a)	Warning material not correct shape/length	2	2
Rule 295 (1), (4) and (5) (b)	Warning material not in correct position	2	2

Australian Road Rules

Column 1	Column 2	Column 3	Column 4
Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Rule 295 (1), (4) and (5) (c)	Warning material not visible	2	2
Rule 296 (1)	Not reverse vehicle safely	2	2
Rule 297	Not have proper control of vehicle	3	3
Rule 298	Tow trailer with person in/on trailer	3	3
Rule 299 (1) (a)	Drive vehicle with TV/VDU image visible	3	3
Rule 300	Use hand-held mobile phone while driving	3	3

Protection of the Environment Operations (Noise Control) Regulation 2000

Column 1	Column 2	Column 3	Column 4
Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Clause 17A (1)	Driver of a motor vehicle with a sound system driving or using the motor vehicle on a road or road related area where the sound system emits offensive noise	2	2

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Schedule 1 Amendments

Road Transport (Driver Licensing) Regulation 1999

Column 1	Column 2	Column 3	Column 4
Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Clause 12 (1) (a)	Unaccompanied learner	2	2
Clause 12 (1) (b)	Learner driver not display "L" plates	2	2
Clause 12 (2) (a)	Unauthorised carriage of pillion passenger	2	2
Clause 12 (2) (b)	Learner rider not display "L" plates	2	2
Clause 12 (3)	Ride motorcycle of prohibited capacity/power	2	2
Clause 13	Learner tow other vehicle	2	2
Clause 15 (6) (a)	Drive vehicle towing excess weight	2	2
Clause 15 (6) (b)	Ride motor bike or motor trike towing other vehicle	2	2
Clause 56	Not comply with conditions of licence	2	2

Road Transport (Safety and Traffic Management) Act 1999

Column 1	Column 2	Column 3	Column 4
Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Section 41 (1)	Burnout	3	3
Section 41 (2)	Aggravated burnout	4	4
Section 48 (2)	Stand vehicle with speed evasion article	9	9

**Road Transport (Safety and Traffic Management) (Road Rules) Regulation
1999**

Column 1	Column 2	Column 3	Column 4
Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Clause 38 (1), (5) or (6) or 39	Exceeding speed limit:		
	(a) where the speed limit is exceeded by more than 45km/h	6	12
	(b) where the speed limit is exceeded by more than 30km/h but not exceeded by more than 45km/h	4	8
	(c) where the speed limit is exceeded by more than 15km/h but not exceeded by more than 30km/h	3	6
	(d) where the speed limit is exceeded by not more than 15km/h	3	6
Clause 40	Pass bus at speed in excess of 40 km/h:		
	(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	3	6
Clause 45 (1)	Driver convey passenger unsafely seated (trailer)	3	3
Clause 45A (1) or 47A (1)	Unauthorised carriage of pillion passenger on motor trike or motor bike	3	3

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Schedule 1 Amendments

**Road Transport (Safety and Traffic Management) (Road Rules) Regulation
1999**

Column 1	Column 2	Column 3	Column 4
Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Clause 46	Use vehicle when child is in child restraint in front seat position where airbag fitted	3	6
Clause 47 (2) (a), but only in the circumstances referred to in clause 47 (1) (a)	Rider unlawfully carry passenger	3	3
Clause 47 (2) (a), but only in the circumstances referred to in clause 47 (1) (b)	Rider carry passenger not safely seated in sidecar	3	3
Clause 47B	Drive vehicle with one unrestrained passenger	3	6
Clause 47B	Drive vehicle with 2 or more unrestrained passengers	6	12
Clause 47B	Drive vehicle not wearing seatbelt and with one unrestrained passenger only	6	12
Clause 47B	Drive vehicle not wearing seatbelt and with 2 or more unrestrained passengers	9	18
Clause 47C (2)	Learner or P1 or P2 driver drive vehicle unrestrained (no restraint fitted)	3	6
Clause 47C (2)	Learner or P1 or P2 driver drive vehicle with unrestrained passenger	3	6
Clause 47D	Driver drive with person in or on the boot of motor vehicle	3	6
Clause 47E	Driver consume alcohol while driving	3	3
Clause 48 (1) (a)	Articulated vehicle tow other vehicle	3	3
Clause 48 (1) (b)	Motor vehicle tow more than one vehicle	3	3

**Road Transport (Safety and Traffic Management) (Road Rules) Regulation
1999**

Column 1	Column 2	Column 3	Column 4
Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Clause 49 (1) (a)	Towed vehicle exceed towing capacity	3	3
Clause 49 (1) (b)	Towed vehicle exceed maximum laden weight	3	3
Clause 53 (1)	Driving at night/dark without headlight alight, otherwise than where vehicle driven is: (a) a class B or class C motor vehicle, and (b) in a Safe-T-Cam zone	1	1
Clause 53 (1)	Driving at night/dark without headlight alight, where vehicle driven is: (a) a class B or class C motor vehicle, and (b) in a Safe-T-Cam zone	4	4
Clause 96B (1)	Drive in T-Way lane	3	3

Road Transport (Vehicle Registration) Act 1997

Column 1	Column 2	Column 3	Column 4
Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Section 18 (1), in relation only to a class B or class C motor vehicle (that is, a motor vehicle, or motor vehicle and trailer combination, with a GVM or GCM exceeding 4.5 tonnes)	Use unregistered vehicle	4	4

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Schedule 1 Amendments

Road Transport (Vehicle Registration) Regulation 1998

Column 1	Column 2	Column 3	Column 4
Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Clause 57 (1) (a)	Use vehicle with defective brakes	3	3
Clause 57 (1) (a)	Use vehicle with defective steering	3	3
Clause 57 (1) (a)	Use vehicle with seatbelt missing/defective	3	3
Clause 57 (1) (a)	Use vehicle with defective seating	3	3
Clause 57 (1) (a)	Use vehicle not fitted/equipped with seat belts/anchorages	3	3
Clause 57 (1) (a)	Use vehicle with dangerous protrusion on bullbar	3	3
Clause 85 (1) (a)	Use vehicle without correctly affixed/displayed number-plates	3	3
Clause 85 (1) (b)	Use vehicle with unauthorised number-plate	3	3
Clause 85 (1) (c)	Use vehicle with obscured/defaced/illegible number-plate	3	3
Clause 85 (1) (c)	Use vehicle with illegal number-plate	3	3
Clause 85 (2) (a)	Use vehicle displaying altered number-plate	3	3
Clause 85 (2) (b)	Use vehicle displaying misleading number-plate	3	3

BY AUTHORITY