



New South Wales

Road Transport Legislation Amendment (Penalty Levels and Fees) Regulation 2009

under the

Road Transport (General) Act 2005

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (General) Act 2005*.

MICHAEL DALEY, MP
Minister for Roads

Explanatory note

The objects of this Regulation are:

- (a) to amend the *Road Transport (General) Regulation 2005* to increase:
 - (i) the penalty levels for penalties for motor vehicle offences that are dealt with by way of penalty notices issued under Part 5.3 of the *Road Transport (General) Act 2005*, and
 - (ii) the fees for access to information, the daily fee for the storage of an impounded motor vehicle and the fees with respect to the clamping of vehicles, and
- (b) to amend the *Road Transport (Mass, Loading and Access) Regulation 2005* to increase the fees for:
 - (i) the issue of a Class 1, 2 or 3 permit, or a permit under Division 6 or 7 of Part 2 of that Regulation, and
 - (ii) the issue of a permit exempting a person from the operation of any of the provisions of clause 53 (1) of that Regulation relating to the projection of loading or equipment of vehicles, and
 - (iii) an application to be accredited under a Mass Management Accreditation Scheme.

The penalty level and fee increases are generally in line with movements in the Consumer Price Index.

This Regulation is made under the *Road Transport (General) Act 2005*, including sections 10 (the general regulation-making power), 18 (3), 183 (Penalty notices for certain offences), 219F (1) and (2), 223 (2) and 230.

2009 No 278

Clause 1 Road Transport Legislation Amendment (Penalty Levels and Fees)
 Regulation 2009

**Road Transport Legislation Amendment (Penalty Levels
and Fees) Regulation 2009**

under the

Road Transport (General) Act 2005

1 Name of Regulation

This Regulation is the *Road Transport Legislation Amendment (Penalty Levels and Fees) Regulation 2009*.

2 Commencement

This Regulation commences on 1 July 2009 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Road Transport (General) Regulation 2005

[1] Clause 170

Omit the clause. Insert instead:

170 Penalty levels

For the purposes of this Regulation, penalty amounts are expressed in terms of the following levels:

Level 1 means a penalty of \$56.

Level 2 means a penalty of \$84.

Level 3 means a penalty of \$141.

Level 4 means a penalty of \$197.

Level 5 means a penalty of \$253.

Level 6 means a penalty of \$338.

Level 7 means a penalty of \$422.

Level 8 means a penalty of \$506.

Level 9 means a penalty of \$647.

Level 10 means a penalty of \$816.

Level 11 means a penalty of \$1,013.

Level 12 means a penalty of \$1,069.

Level 13 means a penalty of \$1,322.

Level 14 means a penalty of \$1,744.

Level 15 means a penalty of \$1,859.

Level 16 means a penalty of \$2,645.

Level 17 means a penalty of \$2,868.

2009 No 278

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Regulation 2009

Schedule 1 Amendment of Road Transport (General) Regulation 2005

[2] Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Fees

(Clauses 5, 36, 38A and 175)

Fee category	Provision prescribing fee	Amount payable (\$)
1 Access to information contained in database of declarations and orders maintained under section 18 (3) of the Act	clause 5 (1)	19
2 Daily storage fee for motor vehicle under section 223 (2) of the Act	clause 36	18
3 Information from records of the Authority (including certificates and other documents issued under section 230 of the Act)	clause 175	19
4 For travelling to a place (the <i>call out place</i>) to collect a vehicle and transport it to the place where it is to be clamped (the <i>clamping place</i>):	clause 38A	
(a) for transportation to a clamping place within 10 kilometres of the call out place, and		241
(b) in addition for each kilometre in excess of 10 kilometres that the vehicle is transported		5.86
5 For clamping the vehicle	clause 38A	272

Fee category	Provision prescribing fee	Amount payable (\$)
6 For removing clamps from a vehicle clamped at the home address of a driver or registered operator	clause 38A	136
		In addition to any amount specified in item 4 or 5, the fee is to include a surcharge of 20% for action taken by a clamping agent outside the usual business operating hours of the clamping agent
7 For each day that a clamped vehicle is stored at a place under the control of or used for the purposes of clamping vehicles by a clamping agent	clause 38A	18.15

2009 No 278

Road Transport Legislation Amendment (Penalty Levels and Fees)
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Schedule 2 Amendment of Road Transport (Mass, Loading and Access) Regulation
2005

**Schedule 2 Amendment of Road Transport (Mass,
Loading and Access) Regulation 2005**

- [1] Clause 37 Permit application fees**
Omit "\$66" from clause 37 (1). Insert instead "\$69".
- [2] Clause 55 Exemption by permit**
Omit "\$66" from clause 55 (5). Insert instead "\$69".
- [3] Clause 68 Application for accreditation**
Omit "\$80" from clause 68 (2) (a). Insert instead "\$83".
- [4] Clause 68 (2) (b)**
Omit "\$26". Insert instead "\$27".