



New South Wales

Road Transport (Driver Licensing) Amendment (Speeding Offences) Regulation 2009

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 DALEY, MP
Minister for Roads

Explanatory note

The number of demerit points incurred for speeding offences increases depending on by how much the applicable speed limit is exceeded. Currently, the number of points incurred increases at 15, 30 and 45 kilometres per hour (**km/h**) over the speed limit.

The object of this Regulation is to provide for increases in the number of points incurred at 10, 20, 30 and 45 km/h over the applicable speed limit and to amend the number of points incurred in respect of speeding offences. The following number of points will now be incurred by the holder of an unrestricted driver licence if the holder exceeds the applicable speed limit by the following amounts:

- (a) not more than 10 km/h—1 point (currently 3 points),
- (b) more than 10 but not more than 20 km/h—3 points (currently 3 points),
- (c) more than 20 but not more than 30 km/h—4 points (currently 3 points),
- (d) more than 30 but not more than 45 km/h—5 points (currently 4 points),
- (e) more than 45 km/h—6 points (currently 6 points).

In the case of the holder of a provisional P1 licence or a provisional P2 licence, the following number of points will now be incurred if the holder exceeds the applicable speed limit by the following amounts:

- (a) not more than 30 km/h—4 points (currently 4 points in the case of a provisional P1 licence and 3 points in the case of a provisional P2 licence),
- (b) more than 30 but not more than 45 km/h—5 points (currently 4 points),
- (c) more than 45 km/h—6 points (currently 6 points).

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Explanatory note

In each case, an additional point is incurred if the speeding offence occurs in a school zone and the points are doubled if the offence occurs during a long weekend.

This Regulation also contains amendments similar to those in Schedule 2 [6] and [11] to the *Road Transport (Driver Licensing) Amendment (Demerit Points System) Act 2008*. Those amendments have yet to commence and it would cause grammatical errors if they were to commence in their current form after the amendments made by this Regulation.

This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including section 15 and 19 (the general regulation-making power).

Road Transport (Driver Licensing) Amendment (Speeding Offences) Regulation 2009

under the

Road Transport (Driver Licensing) Act 1998

1 Name of Regulation

This Regulation is the *Road Transport (Driver Licensing) Amendment (Speeding Offences) Regulation 2009*.

2 Commencement

- (1) Except as provided by subclause (2), this Regulation commences on 1 July 2009 and is required to be published on the NSW legislation website.
- (2) Schedule 1 [2] and [4] commence on the commencement of Schedule 2 [8] to the *Road Transport (Driver Licensing) Amendment (Demerit Points System) Act 2008*.

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Schedule 1 Amendment of Road Transport (Driver Licensing) Regulation 2008

Schedule 1 Amendment of Road Transport (Driver Licensing) Regulation 2008**[1] Schedule 1 National schedule of demerit point offences**

Omit each matter relating to Rule 20 of the *Road Rules 2008* from Columns 1–4.

Insert instead in Columns 1, 2, 3 and 4 respectively:

Rule 20 (except in a school zone or where the applicable speed limit is specified by rule 24–1, 24–2, 24–3 or 24–4)	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	5	10
	(c) where the speed limit is exceeded by more than 20km/h but not exceeded by more than 30km/h	4	8
	(d) where the speed limit is exceeded by more than 10km/h but not exceeded by more than 20km/h (otherwise than by the holder of a provisional P1 licence or provisional P2 licence)	3	6
	(e) where the speed limit is exceeded by more than 10km/h but not exceeded by more than 20km/h (in the case of the holder of a provisional P1 licence or provisional P2 licence)	4	8
	(f) where the speed limit is exceeded by not more than 10km/h (otherwise than by the holder of a provisional P1 licence or provisional P2 licence)	1	2

	(g)	where the speed limit is exceeded by not more than 10km/h (in the case of the holder of a provisional P1 licence or provisional P2 licence)	4	8
Rule 20 (in school zone, except where the applicable speed limit is specified by rule 24-1, 24-2, 24-3 or 24-4)	Exceeding speed limit:			
	(a)	where the speed limit is exceeded by more than 45km/h	7	14
	(b)	where the speed limit is exceeded by more than 30km/h but not exceeded by more than 45km/h	6	12
	(c)	where the speed limit is exceeded by more than 20km/h but not exceeded by more than 30km/h	5	10
	(d)	where the speed limit is exceeded by more than 10km/h but not exceeded by more than 20km/h (otherwise than by the holder of a provisional P1 licence or provisional P2 licence)	4	8
	(e)	where the speed limit is exceeded by more than 10km/h but not exceeded by more than 20km/h (in the case of the holder of a provisional P1 licence or provisional P2 licence)	5	10
	(f)	where the speed limit is exceeded by not more than 10km/h (otherwise than by the holder of a provisional P1 licence or provisional P2 licence)	2	4
	(g)	where the speed limit is exceeded by not more than 10km/h (in the case of the holder of a provisional P1 licence or provisional P2 licence)	5	10

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Schedule 1 Amendment of Road Transport (Driver Licensing) Regulation 2008

[2] Schedule 1

Insert “learner licence,” before “provisional P1 licence” wherever occurring in Column 2 in the matter relating to Rule 20 of the *Road Rules 2008*, being Rule 20 (except in a school zone or where the applicable speed limit is specified by rule 24-1, 24-2, 24-3 or 24-4) and Rule 20 (in school zone, except where the applicable speed limit is specified by rule 24-1, 24-2, 24-3 or 24-4).

[3] Schedule 2 Additional demerit point offences

Omit each matter relating to Rule 20 of the *Road Rules 2008* from Columns 1-4.

Insert instead in Columns 1, 2, 3 and 4 respectively:

Rule 20 (where the applicable speed limit is specified by rule 24-1 (2) or (3), except in a school zone)	Exceeding speed limit for provisional driver:		
	(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	5 10
	(c)	where the speed limit is exceeded by not more than 30km/h	4 8
Rule 20 (in school zone where the applicable speed limit is specified by rule 24-1 (2) or (3))	Exceeding speed limit for provisional driver:		
	(a)	where the speed limit is exceeded by more than 45km/h	7 14
	(b)	where the speed limit is exceeded by more than 30km/h but not exceeded by more than 45km/h	6 12
	(c)	where the speed limit is exceeded by not more than 30km/h	5 10

Rule 20 (where the applicable speed limit is specified by rule 24-2)	Exceeding speed limit on Lord Howe Island:		
	(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	5	10
	(c) where the speed limit is exceeded by more than 20km/h but not exceeded by more than 30km/h	4	8
	(d) where the speed limit is exceeded by more than 10km/h but not exceeded by more than 20km/h	3	6
	(e) where the speed limit is exceeded by not more than 10km/h	1	2
Rule 20 (where the applicable speed limit is specified by rule 24-3)	Pass bus at speed in excess of 40km/h:		
	(a) where the motor vehicle is driven at a speed that exceeds 85km/h	6	12
	(b) where the motor vehicle is driven at a speed that exceeds 70km/h but does not exceed 85km/h	5	10
	(c) where the motor vehicle is driven at a speed that exceeds 60km/h but does not exceed 70km/h	4	8
	(d) where the motor vehicle is driven at a speed that exceeds 50km/h but does not exceed 60km/h (otherwise than by the holder of a provisional P1 licence or provisional P2 licence)	3	6

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| (e) | where the motor vehicle is driven at a speed that exceeds 50km/h but does not exceed 60km/h (in the case of the holder of a provisional P1 licence or provisional P2 licence) | 4 | 8 |
| (f) | where the motor vehicle is driven at a speed that exceeds 40km/h but does not exceed 50km/h (otherwise than by the holder of a provisional P1 licence or provisional P2 licence) | 1 | 2 |
| (g) | where the motor vehicle is driven at a speed that exceeds 40km/h but does not exceed 50km/h (in the case of the holder of a provisional P1 licence or provisional P2 licence) | 4 | 8 |

[4] Schedule 2

Insert “learner licence,” before “provisional P1 licence” wherever occurring in Column 2 in the matter relating to Rule 20 of the *Road Rules 2008*, being Rule 20 (where the applicable speed limit is specified by rule 24–3).