



New South Wales

# Road Transport (General) Amendment (Penalty Notice Offences) 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*.

DAVID CAMPBELL, MP  
Minister for Transport

## Explanatory note

The object of this Regulation is to amend Schedule 3 (Penalty notice offences) to the *Road Transport (General) Regulation 2005* as follows:

- (a) in relation to rules 105 and 107 of the *Road Rules 2008* (which require a truck driver to comply with a trucks must enter sign and a bus driver to comply with a buses must enter sign):
  - (i) to allow Class 2 authorised officers, being persons who are employed by the Roads and Traffic Authority (**RTA**) as enforcement officers or who are subject to the control and directions of the RTA as enforcement officers, to be authorised officers for the purposes of issuing penalty notices under the road transport legislation within the meaning of the *Road Transport (General) Act 2005* (**the Act**), and
  - (ii) to increase the penalty level for penalty notice offences under those rules from Level 3 to Level 8,
- (b) in relation to sections 66 (3), 67 (5), 68 (3) and 150 (4) of the Act (which relate to the contravention of the requirements placed on responsible entities, operators, drivers or responsible persons to provide certain driving records, including container weight declarations)—to increase the penalty level for penalty notice offences under those provisions from Level 6 to Level 9,
- (c) to include the following offences for which penalty notices may be issued:
  - (i) contravention of section 136 (5) of the Act (where the driver of a vehicle or combination contravenes a direction by an authorised officer to stop the vehicle or combination, or the driver of a vehicle or combination, or any other person, contravenes a direction by an authorised officer to move the vehicle or

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- combination or interferes with it or any equipment in or on it or with its load—if it is a heavy vehicle or heavy combination within the meaning of the Act) as a Level 8 offence,
- (ii) contravention of section 137 (2) of the Act (where a driver or operator of a vehicle or combination contravenes a direction by an authorised officer to move it or cause it to be moved to the nearest suitable location—if it is a heavy vehicle or heavy combination within the meaning of the Act) as a Level 8 offence,
  - (iii) contravention of section 173 (1) of the Act (where a responsible person for, or a person having the custody of, a motor vehicle fails to give information to an authorised officer as to the name and home address of a driver who is alleged to have committed an offence under the road transport legislation, or where any other person fails to give any information, if it is in the person's power to give it, that may lead to the identification of the driver) as a Level 9 offence,
- (d) to effect minor statute law revision:
- (i) to simplify and correct certain references to a provision of the *Road Rules 2008*, and
  - (ii) to clarify and correct certain references to provisions of the *Road Transport (Vehicle Registration) Regulation 2007*.

This Regulation is made under the *Road Transport (General) Act 2005*, including sections 10 (the general regulation-making power) and 183 (Penalty notices for certain offences).

## **Road Transport (General) Amendment (Penalty Notice Offences) Regulation 2009**

under the

Road Transport (General) Act 2005

### **1 Name of Regulation**

This Regulation is the *Road Transport (General) Amendment (Penalty Notice Offences) Regulation 2009*.

### **2 Commencement**

- (1) This Regulation commences on the day on which it is published on the NSW legislation website, except as provided by subclause (2).
- (2) Schedule 1 [1] and [3]–[6] to this Regulation commence on 30 November 2009.

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Schedule 1 Amendment of Road Transport (General) Regulation 2005

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### Schedule 1 Amendment of Road Transport (General) Regulation 2005

#### [1] Schedule 3 Penalty notice offences

Omit from Column 1 of the matter relating to the *Road Rules 2008*:

Rule 46 (1); Rule 46 (4); Rule 48 (1); Rule 48 (4); Rule 51; Rule 53;  
Rule 102 (1); Rule 105; Rule 107; Rule 112; Rule 113; Rule 117;  
Rule 118 (1); Rule 118 (2); Rule 141 (1); Rule 153 (1); Rule 162 (1);  
Rule 163 (1); Rule 164 (1)

Insert instead:

Rule 46 (1); Rule 46 (4); Rule 48 (1); Rule 48 (4); Rule 51; Rule 53;  
Rule 102 (1); Rule 112; Rule 113; Rule 117; Rule 118 (1); Rule 118 (2);  
Rule 141 (1); Rule 153 (1); Rule 162 (1); Rule 163 (1); Rule 164 (1)

#### [2] Schedule 3

Omit “Rule 79–1; Rule 79–2 (1); Rule 218–1 (1) (a); Rule 218–1 (1) (b);  
Rule 218–1 (1) (c); Rule 218–1 (1) (e); Rule 218 (1) (f)” from Column 1 of the  
matter relating to the *Road Rules 2008*.

Insert instead “Rule 79–1; Rule 79–2 (1); Rule 218–1”.

#### [3] Schedule 3

Insert after the matter relating to Rule 104 of the *Road Rules 2008*, in  
Columns 1, 2 and 3, respectively:

Rule 105; Rule 107	Class 1, 2	Level 8
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#### [4] Schedule 3

Omit “Level 6” from Column 3 of the matter relating to sections 66 (3), 67 (5),  
68 (3) and 150 (4) of the *Road Transport (General) Act 2005*.

Insert instead “Level 9”.

#### [5] Schedule 3

Insert after the matter relating to sections 66 (3), 67 (5), 68 (3) and 150 (4) of  
the *Road Transport (General) Act 2005*, in Columns 1, 2 and 3, respectively:

Section 136 (5), if the offence relates to a heavy vehicle or heavy combination	Class 1, 2	Level 8
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Section 137 (2), if the offence relates to a heavy vehicle or heavy combination	Class 1, 2	Level 8
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**[6] Schedule 3**

Insert after the matter relating to section 171 (2) (a) or (b) of the *Road Transport (General) Act 2005*, in Columns 1, 2 and 3, respectively:

Section 173 (1)	Class 1, 2	Level 9
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**[7] Schedule 3**

Omit from Column 1 of the matter relating to the *Road Transport (Vehicle Registration) Regulation 2007*:

Clause 22 (5); Clause 26 (1); Clause 27 (1); Clause 28;  
Clause 30 (8); Clause 31 (1); Clause 31 (2); Clause 31 (3);  
Clause 31 (5); Clause 31 (6); Clause 32 (2); Clause 32 (3);  
Clause 34 (1); Clause 34 (2); Clause 37 (3); Clause 39 (4);  
Clause 42 (5); Clause 46 (3); Clause 47; Clause 48; Clause 49;  
Clause 50 (2); Clause 50 (3); Clause 52 (1) except in relation to a  
matter provided for elsewhere in this Table; Clause 52 (2);  
Clause 52 (4); Clause 52 (5); Clause 55 (3); Clause 56 (4);  
Clause 58 (7); Clause 58 (8); Clause 59 (4); Clause 67 (1);  
Clause 67 (2); Clause 67 (3); Clause 68; Clause 70 (7);  
Clause 74 (2); Clause 84 (1); Clause 85 (1) (b); Clause 85 (1) (c);  
Clause 85 (3); Clause 86 (1); Clause 86 (3)

Insert instead:

Clause 22 (5); Clause 26 (1); Clause 27 (1); Clause 28;  
Clause 30 (8); Clause 31 (1); Clause 31 (2); Clause 31 (3);  
Clause 31 (5); Clause 31 (6); Clause 32 (2); Clause 32 (3);  
Clause 34 (1); Clause 34 (2); Clause 37 (3); Clause 39 (4);  
Clause 42 (5); Clause 46 (3); Clause 47; Clause 48; Clause 49;  
Clause 50 (2); Clause 50 (3); Clause 52 (1) except in relation to a  
matter provided for elsewhere in this Table; Clause 52 (2);  
Clause 52 (4); Clause 52 (5); Clause 55 (3); Clause 56 (4);  
Clause 58 (7); Clause 58 (8); Clause 59 (4); Clause 67 (1);  
Clause 67 (2); Clause 67 (3); Clause 68; Clause 70 (7);  
Clause 74 (2); Clause 84 (1); Clause 86 (1); Clause 86 (3)

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Schedule 1 Amendment of Road Transport (General) Regulation 2005

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### [8] Schedule 3

Omit “Clause 71 (5); Clause 84 (2) in the case of a minor defect notice” from Column 1 of the matter relating to the *Road Transport (Vehicle Registration) Regulation 2007*.

Insert instead “Clause 71 (5), Clause 84 (2), in the case of a minor defect notice”.

### [9] Schedule 3

Omit “Clause 84 (2) in the case of a major defect notice” from Column 1 of the matter relating to the *Road Transport (Vehicle Registration) Regulation 2007*.

Insert instead “Clause 84 (2), in the case of a major defect notice”.

### [10] Schedule 3

Omit “Clause 85 (1); Clause 85 (2); Clause 85 (3) in the case of a class A motor vehicle” from Column 1 of the matter relating to the *Road Transport (Vehicle Registration) Regulation 2007*.

Insert instead “Clause 85 (1) (a), Clause 85 (2), in the case of a class A motor vehicle”.

### [11] Schedule 3

Insert after the matter relating to clauses 85 (1) (a) and 85 (2) (as amended by item [10]) of the *Road Transport (Vehicle Registration) Regulation 2007*, in Columns 1, 2 and 3, respectively:

Clause 85 (1) (b), Clause 85 (1) (c), Clause 85 (3), in the case of a class A motor vehicle	Class 1, 2	Level 2
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### [12] Schedule 3

Omit “Clause 85 (1); Clause 85 (2); Clause 85 (3) in the case of a class B motor vehicle or class C motor vehicle” from Column 1 of the matter relating to the *Road Transport (Vehicle Registration) Regulation 2007*.

Insert instead “Clause 85 (1), Clause 85 (2), Clause 85 (3), in the case of a class B motor vehicle or class C motor vehicle”.