



New South Wales

Road Transport Legislation Amendment (Penalty Levels and Fees) Regulation 2010

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 BORGER, 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 protection of loading or equipment of vehicles, and
 - (iii) an application to be accredited under a Mass Management Accreditation Scheme.

Except for penalties for motor vehicle speeding offences, the penalty level and fee increases are generally in line with movements in the Consumer Price Index. The penalty level increases for motor vehicle speeding offences under Rule 20 of the *Road Rules 2008* are generally being increased by 5 per cent above the Consumer Price Index increases.

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Explanatory note

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.

Road Transport Legislation Amendment (Penalty Levels and Fees) Regulation 2010

under the

Road Transport (General) Act 2005

1 Name of Regulation

This Regulation is the *Road Transport Legislation Amendment (Penalty Levels and Fees) Regulation 2010*.

2 Commencement

This Regulation commences on 1 July 2010 and is required to be published on the NSW legislation website.

2010 No 299

Road Transport Legislation Amendment (Penalty Levels and Fees)
Regulation 2010

Schedule 1 Amendment of Road Transport (General) Regulation 2005

**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 \$57.

Level 2 means a penalty of \$86.

Level 2A means a penalty of \$90.

Level 3 means a penalty of \$143.

Level 3A means a penalty of \$150.

Level 4 means a penalty of \$201.

Level 4A means a penalty of \$211.

Level 5 means a penalty of \$258.

Level 5A means a penalty of \$271.

Level 6 means a penalty of \$344.

Level 6A means a penalty of \$361.

Level 7 means a penalty of \$430.

Level 7A means a penalty of \$451.

Level 8 means a penalty of \$516.

Level 8A means a penalty of \$541.

Level 9 means a penalty of \$659.

Level 9A means a penalty of \$692.

Level 10 means a penalty of \$831.

Level 10A means a penalty of \$872.

Level 11 means a penalty of \$1,031.

Level 11A means a penalty of \$1,083.

Level 12 means a penalty of \$1,089.

Level 12A means a penalty of \$1,143.

Level 13 means a penalty of \$1,346.

Level 14 means a penalty of \$1,776.

Level 14A means a penalty of \$1,865.

Level 15 means a penalty of \$1,893.

Level 15A means a penalty of \$1,987.

Level 16 means a penalty of \$2,693.

Level 16A means a penalty of \$2,828.

Level 17 means a penalty of \$2,920.

Level 17A means a penalty of \$3,066.

Note. “A” numbers are used in relation to motor vehicle speeding offences under Rule 20 of the *Road Rules 2008*.

[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		245
(b) in addition for each kilometre in excess of 10 kilometres that the vehicle is transported		5.97
5 For clamping the vehicle	clause 38A	277

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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	138
		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	18.50

[3] Schedule 3 Penalty notice offencesOmit all matter relating to Rule 20 of the *Road Rules 2008*.

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

Rule 20 (except where the applicable speed limit is specified by rule 24-2, 24-3 or 24-4):

- (a) in the case of a class A motor vehicle and otherwise than in school zone:
- | | | | |
|-------|---|---------|----------|
| (i) | driven at a speed of not more than 10 km/h above the speed limit applicable | Class 1 | Level 2A |
| (ii) | driven at a speed of more than 10 km/h but not more than 20 km/h above the speed limit applicable | Class 1 | Level 4A |
| (iii) | driven at a speed of more than 20 km/h but not more than 30 km/h above the speed limit applicable | Class 1 | Level 6A |
| (iv) | driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable | Class 1 | Level 9A |

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- | | | | |
|-------|---|---------|-----------|
| (v) | driven at a speed of more than 45 km/h above the speed limit applicable | Class 1 | Level 14A |
| (b) | in the case of a class B motor vehicle and otherwise than in school zone: | | |
| (i) | driven at a speed of not more than 10 km/h above the speed limit applicable | Class 1 | Level 5A |
| (ii) | driven at a speed of more than 10 km/h but not more than 20 km/h above the speed limit applicable | Class 1 | Level 6A |
| (iii) | driven at a speed of more than 20 km/h but not more than 30 km/h above the speed limit applicable | Class 1 | Level 7A |
| (iv) | driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable | Class 1 | Level 9A |
| (v) | driven at a speed of more than 45 km/h above the speed limit applicable | Class 1 | Level 14A |
| (c) | in the case of a class C motor vehicle and otherwise than in school zone: | | |
| (i) | driven at a speed of not more than 10 km/h above the speed limit applicable | Class 1 | Level 5A |
| (ii) | driven at a speed of more than 10 km/h but not more than 20 km/h above the speed limit applicable | Class 1 | Level 6A |
| (iii) | driven at a speed of more than 20 km/h but not more than 30 km/h above the speed limit applicable | Class 1 | Level 7A |
| (iv) | driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable | Class 1 | Level 11A |
| (v) | driven at a speed of more than 45 km/h above the speed limit applicable | Class 1 | Level 16A |
- Rule 20 (except where the applicable speed limit is specified by rule 24-2, 24-3 or 24-4):
- | | | | |
|-----|---|---------|----------|
| (a) | in the case of a class A motor vehicle and in school zone: | | |
| (i) | driven at a speed of not more than 10 km/h above the speed limit applicable | Class 1 | Level 3A |
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- | | | | |
|-------|---|---------|-----------|
| (ii) | driven at a speed of more than 10 km/h but not more than 20 km/h above the speed limit applicable | Class 1 | Level 5A |
| (iii) | driven at a speed of more than 20 km/h but not more than 30 km/h above the speed limit applicable | Class 1 | Level 7A |
| (iv) | driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable | Class 1 | Level 10A |
| (v) | driven at a speed of more than 45 km/h above the speed limit applicable | Class 1 | Level 15A |
| (b) | in the case of a class B motor vehicle and in school zone: | | |
| (i) | driven at a speed of not more than 10 km/h above the speed limit applicable | Class 1 | Level 6A |
| (ii) | driven at a speed of more than 10 km/h but not more than 20 km/h above the speed limit applicable | Class 1 | Level 7A |
| (iii) | driven at a speed of more than 20 km/h but not more than 30 km/h above the speed limit applicable | Class 1 | Level 8A |
| (iv) | driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable | Class 1 | Level 10A |
| (v) | driven at a speed of more than 45 km/h above the speed limit applicable | Class 1 | Level 15A |
| (c) | in the case of a class C motor vehicle and in school zone: | | |
| (i) | driven at a speed of not more than 10 km/h above the speed limit applicable | Class 1 | Level 6A |
| (ii) | driven at a speed of more than 10 km/h but not more than 20 km/h above the speed limit applicable | Class 1 | Level 7A |
| (iii) | driven at a speed of more than 20 km/h but not more than 30 km/h above the speed limit applicable | Class 1 | Level 8A |
| (iv) | driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable | Class 1 | Level 12A |
| (v) | driven at a speed of more than 45 km/h above the speed limit applicable | Class 1 | Level 17A |

Rule 20 (where the applicable speed limit is specified by rule 24–2):

- | | | | |
|-----|--|---------|-----------|
| (a) | in the case of a vehicle driven at a speed of not more than 10 km/h above the speed limit applicable | Class 1 | Level 2A |
| (b) | in the case of a vehicle driven at a speed of more than 10 km/h but not more than 20 km/h above the speed limit applicable | Class 1 | Level 4A |
| (c) | in the case of a vehicle driven at a speed of more than 20 km/h but not more than 30 km/h above the speed limit applicable | Class 1 | Level 6A |
| (d) | in the case of a vehicle driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable | Class 1 | Level 9A |
| (e) | in the case of a vehicle driven at a speed of more than 45 km/h above the speed limit applicable | Class 1 | Level 14A |

Rule 20 (where the applicable speed limit is specified by rule 24–3):

- | | | | |
|-------|---|---------|-----------|
| (a) | in the case of a class A motor vehicle: | | |
| (i) | driven at a speed of not more than 10 km/h above the speed limit applicable | Class 1 | Level 2A |
| (ii) | driven at a speed of more than 10 km/h but not more than 20 km/h above the speed limit applicable | Class 1 | Level 4A |
| (iii) | driven at a speed of more than 20 km/h but not more than 30 km/h above the speed limit applicable | Class 1 | Level 6A |
| (iv) | driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable | Class 1 | Level 9A |
| (v) | driven at a speed of more than 45 km/h above the speed limit applicable | Class 1 | Level 14A |
| (b) | in the case of a class B motor vehicle: | | |
| (i) | driven at a speed of not more than 10 km/h above the speed limit applicable | Class 1 | Level 5A |
| (ii) | driven at a speed of more than 10 km/h but not more than 20 km/h above the speed limit applicable | Class 1 | Level 6A |
| (iii) | driven at a speed of more than 20 km/h but not more than 30 km/h above the speed limit applicable | Class 1 | Level 7A |

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(iv)	driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable	Class 1	Level 9A
(v)	driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 14A
(c)	in the case of a class C motor vehicle:		
(i)	driven at a speed of not more than 10 km/h above the speed limit applicable	Class 1	Level 5A
(ii)	driven at a speed of more than 10 km/h but not more than 20 km/h above the speed limit applicable	Class 1	Level 6A
(iii)	driven at a speed of more than 20 km/h but not more than 30 km/h above the speed limit applicable	Class 1	Level 7A
(iv)	driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable	Class 1	Level 11A
(v)	driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 16A
Rule 20 (where the applicable speed limit is specified by rule 24-4)		Class 1	Level 2A

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

- [1] Clause 37 Permit application fees**
Omit "\$69" from clause 37 (1). Insert instead "\$70".
- [2] Clause 55 Exemption by permit**
Omit "\$69" from clause 55 (5). Insert instead "\$70".
- [3] Clause 68 Application for accreditation**
Omit "\$83" from clause 68 (2) (a). Insert instead "\$85".
- [4] Clause 68 (2) (b)**
Omit "\$27". Insert instead "\$28".