



New South Wales

Road Transport (Driver Licensing) Amendment (Demerit Point Offences) Regulation 2010

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*.

DAVID BORGER, MP
Minister for Roads

Explanatory note

The objects of this Regulation are:

- (a) to update the national schedule of demerit point offences, and
- (b) to move certain offences from the national schedule of demerit point offences, and include those offences in the schedule of additional demerit point offences, where those offences are not part of the national agreement and should not be included in the national schedule of demerit point offences.

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

2010 No 396

Clause 1

Road Transport (Driver Licensing) Amendment (Demerit Point Offences)
Regulation 2010

Road Transport (Driver Licensing) Amendment (Demerit Point Offences) Regulation 2010

under the

Road Transport (Driver Licensing) Act 1998

1 Name of Regulation

This Regulation is the *Road Transport (Driver Licensing) Amendment (Demerit Point Offences) Regulation 2010*.

2 Commencement

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

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

[1] Schedule 1 National schedule of demerit point offences

Insert “, 28 (1A)” after “28 (1)” in Column 1 of the matter relating to the *Road Rules 2008*.

[2] Schedule 1

Insert “, 60A” after “60” wherever occurring in Column 1 of the matter relating to the *Road Rules 2008*.

[3] Schedule 1

Insert “, 148A” after “148” in Column 1 of the matter relating to the *Road Rules 2008*.

[4] Schedule 1

Omit “or Part 17” from Column 1 of the matter relating to the *Road Rules 2008*.

Insert instead “, 281, 282, 284, 286 (2) or 286 (3)”.

[5] Schedule 1

Insert before the matter relating to rule 140 of the *Road Rules 2008* in Columns 1, 2, 3 and 4, respectively:

Rule 132 (2A)	Drive across dividing lines to perform a U-turn	3	3
---------------	---	---	---

[6] Schedule 1

Insert after the matter relating to rule 152 of the *Road Rules 2008* in Columns 1, 2, 3 and 4, respectively:

Rule 155 (1)	Drive in tram lane	3	3
--------------	--------------------	---	---

[7] Schedule 1

Insert after the matter relating to rule 264 of the *Road Rules 2008* in Columns 1, 2, 3 and 4, respectively:

Rule 265 (3)	Drive with 1 unrestrained passenger	3	6
Rule 265 (3)	Drive with 2 or more unrestrained passengers	6	12

2010 No 396Road Transport (Driver Licensing) Amendment (Demerit Point Offences)
Regulation 2010

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

[8] Schedule 1

Insert after the matter relating to rule 270 (1) (a) of the *Road Rules 2008* in Columns 1, 2, 3 and 4, respectively:

Rule 270 (1)	Ride motor bike without helmet and with one passenger only not wearing helmet	6	12
Rule 270 (1)	Ride motor bike without helmet and with 2 or more passengers not wearing helmets	9	18

[9] Schedule 1

Insert after the matter relating to rule 289 (2) (in school zone) of the *Road Rules 2008* in Columns 1, 2, 3 and 4, respectively:

Rule 300 (except in school zone)	Driver (other than learner or P1 driver) use hand-held mobile phone while driving	3	3
Rule 300 (in school zone)	Driver (other than learner or P1 driver) use hand-held mobile phone while driving	4	4

[10] Schedule 1

Insert after the matter relating to the *Road Rules 2008*:

Road Transport (General) Regulation 2005

Column 1	Column 2	Column 3	Column 4
Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Clause 64, but only where a court finds the person guilty of the offence:	Contravening standard hours for solo driver of a regulated heavy vehicle		
(a) in relation to a severe risk offence		3	3
(b) in relation to a critical risk offence		4	4

Road Transport (General) Regulation 2005

Column 1	Column 2	Column 3	Column 4
Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Clause 65, but only where a court finds the person guilty of the offence:	Contravening standard hours for solo driver of a bus		
(a) in relation to a severe risk offence		3	3
(b) in relation to a critical risk offence		4	4
Clause 66, but only where a court finds the person guilty of the offence:	Contravening standard hours for two-up driver of a regulated heavy vehicle		
(a) in relation to a severe risk offence		3	3
(b) in relation to a critical risk offence		4	4
Clause 68, but only where a court finds the person guilty of the offence:	Contravening BFM hours for solo driver of a regulated heavy vehicle		
(a) in relation to a severe risk offence		3	3
(b) in relation to a critical risk offence		4	4

2010 No 396Road Transport (Driver Licensing) Amendment (Demerit Point Offences)
Regulation 2010

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

Road Transport (General) Regulation 2005

Column 1	Column 2	Column 3	Column 4
Provision creating offence	Description of offence	Standard demerit points	Long weekend demerit points
Clause 70, but only where a court finds the person guilty of the offence:	Contravening BFM hours for two-up driver of a regulated heavy vehicle		
(a) in relation to a severe risk offence		3	3
(b) in relation to a critical risk offence		4	4
Clause 71, but only where a court finds the person guilty of the offence:	Contravening AFM hours for driver of a regulated heavy vehicle		
(a) in relation to a severe risk offence		3	3
(b) in relation to a critical risk offence		4	4
Clause 72, but only where a court finds the person guilty of the offence:	Contravening AFM outer limits for driver of a regulated heavy vehicle		
(a) in relation to a severe risk offence		3	3
(b) in relation to a critical risk offence		4	4

[11] Schedule 2 Additional demerit point offencesOmit the matter relating to rules 28 (1A), 60A, 132 (2A), 148A, 155 (1), 265 (3), 270 (1) and 300 of the *Road Rules 2008*.

[12] Schedule 2

Insert after the matter relating to rule 271 (5C) of the *Road Rules 2008* in Columns 1, 2, 3 and 4, respectively:

Rules 274, 275, 277 and 279	Disobeying traffic light	3	3
-----------------------------	--------------------------	---	---

[13] Schedule 2

Omit the matter relating to clauses 64, 65, 66, 68, 70, 71 and 72 of the *Road Transport (General) Regulation 2005*.