



New South Wales

# Road Transport Legislation Amendment (Penalty Levels and Fees) Regulation 2011

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*.

DUNCAN GAY, MLC  
Minister for Roads and Ports

## 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 and 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.

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.

**2011 No 325**

Clause 1      Road Transport Legislation Amendment (Penalty Levels and Fees)  
                  Regulation 2011

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**Road Transport Legislation Amendment (Penalty Levels  
and Fees) Regulation 2011**

under the

Road Transport (General) Act 2005

**1 Name of Regulation**

This Regulation is the *Road Transport Legislation Amendment (Penalty Levels and Fees) Regulation 2011*.

**2 Commencement**

This Regulation commences on 1 July 2011 and is required to be published on the NSW legislation website.

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## 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 \$59.

*Level 2* means a penalty of \$88.

*Level 2A* means a penalty of \$93.

*Level 3* means a penalty of \$147.

*Level 3A* means a penalty of \$154.

*Level 4* means a penalty of \$206.

*Level 4A* means a penalty of \$216.

*Level 5* means a penalty of \$265.

*Level 5A* means a penalty of \$278.

*Level 6* means a penalty of \$353.

*Level 6A* means a penalty of \$371.

*Level 7* means a penalty of \$441.

*Level 7A* means a penalty of \$463.

*Level 8* means a penalty of \$530.

*Level 8A* means a penalty of \$556.

*Level 9* means a penalty of \$677.

*Level 9A* means a penalty of \$710.

*Level 10* means a penalty of \$853.

*Level 10A* means a penalty of \$896.

*Level 11* means a penalty of \$1,059.

*Level 11A* means a penalty of \$1,112.

*Level 12* means a penalty of \$1,118.

*Level 12A* means a penalty of \$1,174.

*Level 13* means a penalty of \$1,383.

*Level 14* means a penalty of \$1,824.

*Level 14A* means a penalty of \$1,915.

*Level 15* means a penalty of \$1,944.

*Level 15A* means a penalty of \$2,041.

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Schedule 1 Amendment of Road Transport (General) Regulation 2005

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*Level 16* means a penalty of \$2,765.

*Level 16A* means a penalty of \$2,904.

*Level 17* means a penalty of \$2,999.

*Level 17A* means a penalty of \$3,149.

**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)	20
2 Daily storage fee for an impounded motor vehicle under section 223 (2) of the Act	clause 36	18
3 Issue of information from records of the Authority (including certificates and other documents issued under section 230 of the Act)	clause 175	20
4 For travelling to a place (the <i>call out place</i> ) to collect an impounded motor 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		252
(b) in addition for each kilometre in excess of 10 kilometres that the motor vehicle is transported		6.13
5 For clamping the motor vehicle	clause 38A	284

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<b>Fee category</b>	<b>Provision prescribing fee</b>	<b>Amount payable (\$)</b>
6 For removing clamps from a motor vehicle clamped at the home address of a driver or registered operator	clause 38A	142
		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 motor vehicle is stored at a place under the control of, or used for the purposes of clamping motor vehicles by, a clamping agent	clause 38A	19

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Schedule 2

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

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

**[1]    Clause 37 Permit application fees**

Omit "\$70" from clause 37 (1). Insert instead "\$72".

**[2]    Clause 55 Exemption by permit**

Omit "\$70" from clause 55 (5). Insert instead "\$72".

**[3]    Clause 68 Application for accreditation**

Omit "\$85" from clause 68 (2) (a). Insert instead "\$87".

**[4]    Clause 68 (2) (b)**

Omit "\$28". Insert instead "\$29".