

Road Transport (General) Regulation 2013

under the

Road Transport Act 2013

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Road Transport (General) Regulation 2013*.

2 Commencement

This Regulation commences on the day on which Schedule 1 (Repeal of certain existing road transport legislation) to the *Road Transport Legislation (Repeal and Amendment) Act 2013* commences.

3 Definitions (cf Gen Reg, cl 3; STM Reg, cl 3)

(1) In this Regulation:

area of operations means:

- (a) in relation to a council—the council’s local government area, and
- (b) in relation to a declared organisation—the area of operations specified in relation to that organisation in Column 2 of Schedule 2.

articulated vehicle means a motor vehicle having at its rear a portion, on wheels, that is pivoted to, and a part of which (not being a pole, draw-bar or similar device or an accessory of it) is superimposed on, the forward portion of the vehicle.

Authority guidelines means guidelines in force under clause 83.

axle means that part of a vehicle consisting of one or more shafts, spindles or bearings in the same transverse vertical plane or between 2 parallel transverse vertical planes not more than 1 metre apart, by means of which, in conjunction with wheels mounted on such shafts, spindles or bearings, the whole or portion of the weight of the vehicle and its loading is continuously transmitted to the road surface.

axle group means a single axle, a tandem axle group or a tri-axle group.

bus means a motor vehicle built mainly to carry people that seats over 12 persons (including the driver).

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centreline of an axle or axle group means a transverse line through the centre of the axle or axle group and that:

- (a) in the case of a single axle comprising more than one axle or a tandem axle group, not being a twin steer axle group:
 - (i) if both axles are fitted with an equal number of tyres, is a line located midway between those axles, or
 - (ii) if one axle is fitted with twice the number of tyres than the other axle, is a line one third of the distance between the axles away from the axle fitted with the greater number of tyres toward the axle fitted with the lesser number of tyres, or
- (b) in the case of a twin steer axle group, is a line located midway between the 2 axles in the group, or
- (c) in the case of a tri-axle group, is a line located midway between the extreme axles.

controlled parking hours, in relation to a pay parking space or pay parking area, means the periods (as set out on the relevant traffic signs) during which a vehicle may not be parked in the space or area unless the relevant parking fee has been paid.

council means the council of a local government area.

coupon parking area has the same meaning as in rule 207–5 of the *Road Rules 2008*.

coupon parking scheme means a scheme of the kind established in accordance with Subdivision 3 of Division 1 of Part 5.

coupon parking space has the same meaning as in rule 207–6 of the *Road Rules 2008*.

declared organisation means a body constituted by or under an Act or a Government Department specified in Column 1 of Schedule 2.

disabled person means a person:

- (a) who is unable to walk because of permanent or temporary loss of the use of one or both legs or other permanent medical or physical condition, or
- (b) whose physical condition is detrimentally affected as a result of walking 100 metres, or
- (c) who requires the use of crutches, a walking frame, callipers, scooter, wheelchair or other similar mobility aid.

driver licensing law means:

- (a) Chapter 3 of the Act, and
- (b) the *Road Transport (Driver Licensing) Regulation 2008*.

goods vehicle means:

(a) a station wagon, or

(b) a vehicle constructed principally for the conveyance of goods.

heavy goods vehicle means a goods vehicle that is not a light goods vehicle.

light goods vehicle means a goods vehicle that comprises a station wagon or a motor bike combination.

loading zone ticket means a ticket issued by or on behalf of the Authority (by means of a loading zone ticket machine) for display in or on a goods vehicle.

loading zone ticket machine means a device designed to issue loading zone tickets, and includes the stand on which such a device is erected.

metered parking area has the same meaning as in rule 207–1 of the *Road Rules 2008*.

metered parking scheme means a scheme of the kind established in accordance with Subdivision 1 of Division 1 of Part 5.

metered parking space has the same meaning as in rule 207–1 of the *Road Rules 2008*.

mobility parking scheme authority means an authority issued under Division 2 of Part 6.

money based coupon means a parking coupon that allows a person to park a vehicle in a coupon parking space for a period of time calculated by reference to:

- (a) the amount specified on the coupon as the parking fee that has been pre-paid for parking the vehicle in a coupon parking space, and
- (b) the relevant fee for the space.

motor bike means any motor vehicle that has 2 wheels or, if a sidecar or sidebox is attached to it, has 3 wheels and includes a motor tricycle.

motor lorry means any motor vehicle (whether or not in combination with any trailer) that is constructed principally for the conveyance of goods or merchandise or for the conveyance of any kind of materials used in any trade, business or industry, or for use in any work other than the conveyance of persons, but does not include a motor bike or a tractor.

motor registry means a place at which registration of a vehicle can be effected by or on behalf of the Authority.

motor tricycle means any motor vehicle with 3 wheels and having a GVM of one tonne or less.

multi-space parking meter means a parking meter that applies to more than one metered parking space.

park has the same meaning as it has in the *Road Rules 2008*.

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parking authority means a council or a declared organisation.

parking coupon means a voucher, card or similar article issued by a parking authority (otherwise than by means of a parking ticket machine) for display in or on a vehicle as evidence of the pre-payment of a parking fee.

parking meter means a device designed to indicate, or capable of indicating, whether the fee determined by the parking authority concerned in respect of any vehicle parking in a metered parking space to which the device applies has been paid, and includes the stand on which such a device is erected.

parking permit means a permit issued under clause 95.

parking ticket means a ticket issued by a parking authority (by means of a parking ticket machine) for display in or on a vehicle as evidence of the pre-payment of a parking fee.

parking ticket machine means a device designed to issue parking tickets, and includes the stand on which such a device is erected.

pay parking area means:

- (a) a coupon parking area, or
- (b) a metered parking area, or
- (c) a phone parking area, or
- (d) a ticket parking area.

pay parking device means a device referred to in clause 66 (2) (c) or 73 (2) (d).

pay parking scheme means:

- (a) a coupon parking scheme, or
- (b) a metered parking scheme, or
- (c) a phone parking scheme, or
- (d) a ticket parking scheme.

pay parking space means:

- (a) a coupon parking space, or
- (b) a metered parking space, or
- (c) a phone parking space, or
- (d) a ticket parking space.

permissive parking sign means a traffic sign of the kind referred to in rule 204 of the *Road Rules 2008*.

phone parking area has the same meaning as in rule 207–8 of the *Road Rules 2008*.

phone parking scheme means a scheme of a kind established in accordance with Subdivision 4 of Division 1 of Part 5.

phone parking space has the same meaning as in rule 207–9 of the *Road Rules 2008*.

phone payment scheme means a scheme for payment of parking fees by mobile phone that is approved by the Authority and adopted by a parking authority under Subdivision 4 of Division 1 of Part 5 for the purposes of a phone parking scheme.

prime mover means a motor vehicle built to tow a semi-trailer.

public passenger service has the same meaning as it has in the *Passenger Transport Act 1990*.

regular passenger service has the same meaning as it has in the *Passenger Transport Act 1990*.

relevant parking fee, in relation to the parking of a vehicle in a pay parking space or area, means the fee for parking a vehicle in the space or area, for the day and time during which the vehicle is parked in the space or area, as indicated on:

- (a) the parking meter or ticket machine for the space (in relation to a metered parking space or a ticket parking space), or
- (b) the permissive parking signs or coupon parking signs for the space (in relation to a coupon parking space), or
- (c) the phone parking signs, or the parking meter or ticket machine, for the area or space (in relation to a phone parking area or a phone parking space).

road—see subclause (2).

road related area—see subclause (2).

school zone means a school zone (as defined in rule 23 (2) of the *Road Rules 2008*), but only during any period in which the speed limit indicated by a school zone sign has effect, as referred to in rule 318 (3–1) of those Rules.

semi-trailer means a trailer (including a pole-type trailer) that has:

- (a) one axle group or single axle towards the rear, and
- (b) a means of attachment to a prime mover that would result in some of the load being imposed on the prime mover.

sidecar means any car, box or other receptacle attached to the side of a motor bike and for the carriage of which a third wheel is provided.

single axle means one axle, or 2 axles the centrelines of which are less than 1 metre apart.

smart card means a stored-value card keeping a record of financial transactions made using the card.

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special event parking area has the same meaning as in rule 205A–1 of the *Road Rules 2008*.

station wagon has the same meaning as it has in the *Road Transport (Vehicle Registration) Regulation 2007*.

tandem axle group means a combination of 2 axles, the centrelines of which are not less than 1 metre and not more than 2 metres apart.

the Act means the *Road Transport Act 2013*.

third edition ADR has the same meaning as in the *Road Transport (Vehicle Registration) Regulation 2007*.

ticket-operated loading zone has the same meaning as in rule 179–1 of the *Road Rules 2008*.

ticket parking area has the same meaning as in rule 207–3 of the *Road Rules 2008*.

ticket parking scheme means a scheme of the kind established in accordance with Subdivision 2 of Division 1 of Part 5.

ticket parking space has the same meaning as in rule 207–4 of the *Road Rules 2008*.

time based coupon means a parking coupon that allows a person to park a vehicle in a coupon parking space for the period of time specified on the coupon.

tractor means any motor vehicle constructed principally for the purpose of supplying motive power for machinery or of hauling any vehicle, but that is not capable of carrying any loading (other than tools, spare parts, fuel, water, oil, or other accessories necessary for use in connection with the vehicle) or any part of the weight of a vehicle being drawn or its loading.

traffic sign has the same meaning as it has in the *Road Rules 2008*.

tri-axle group means a combination of 3 axles the centrelines of the extreme axles of which are not less than 2 metres and not more than 3.2 metres apart.

twin steer axle group means a tandem axle group consisting of 2 single-tyred axles connected to the same steering system, that are fitted to a rigid vehicle or a prime mover.

vehicle, in Part 5, includes a horse.

- (2) Each reference in this Regulation to a **road** includes a reference to a **road related area**, unless otherwise expressly stated in this Regulation.

Note. The terms **road** and **road related area** are defined in section 4 (1) of the Act.

- (3) In this Regulation, an abbreviation or symbol specified in Schedule 1 to the *Road Rules 2008* has the same meaning as it has in that Schedule.

- (4) Notes included in this Regulation do not form part of this Regulation.

Note. For the purposes of comparison, a number of provisions of this Regulation contain bracketed notes in headings drawing attention (“cf”) to equivalent or comparable (though not necessarily identical) provisions of other Regulations (as in force immediately before the commencement of this Regulation). Abbreviations in these notes include the following:

- (a) **Gen Reg** is a reference to the *Road Transport (General) Regulation 2005* (as it was then named),
- (b) **STM Reg** is a reference to the *Road Transport (Safety and Traffic Management) Regulation 1999*.

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Part 2 Road transport legislation

Part 2 Road transport legislation

Division 1 Database of declarations and orders

4 Information to be maintained on database of declarations and orders (cf Gen Reg, cl 4)

For the purposes of the database referred to in section 22 (1) of the Act, the Authority is:

- (a) to include in the database:
 - (i) a copy of the complete text of each declaration or order made under Division 2 of Part 1.3 of the Act as soon as is reasonably practicable after its making, and
 - (ii) information concerning the dates on which any such declaration or order has effect or ceases to have effect, and
- (b) to incorporate any amendment to any such declaration or order as soon as is reasonably practicable after the amendment has effect.

5 Access to database (cf Gen Reg, cl 5)

- (1) For the purposes of section 22 (3) of the Act, the Authority is to give access to information on the database to a member of the public only if the person pays the access fee prescribed by Schedule 1.
- (2) The Authority may waive the fee referred in subclause (1) if it is satisfied that the payment of the fee would result in undue hardship to the person seeking access to information.

Division 2 Special service requirements

6 Service of notices on persons under driver licensing law (cf Gen Reg, cl 6)

- (1) For the purposes of sections 276 (3) and 277 (2) of the Act, the provisions of this clause set out the only manner in which a notice under the driver licensing law may be given or served.
- (2) The Authority may give or serve a notice under the driver licensing law on a person by sending the notice by post or by some other means to the person's last known home address, or the address for service of notices (if any) recorded in the NSW driver licence register.
- (3) The date on which a person is taken to have been given or served with a notice under the *Road Transport (Driver Licensing) Regulation 2008* or a notice under section 54 (2) of the Act is:
 - (a) if the notice is sent by mail—the fourth working day after the notice was posted, or

- (b) if the notice is delivered to the person personally—the date when it is so delivered.
- (4) If a person's home address or address for service of notices is in another jurisdiction, the Authority may request the driver licensing authority of another jurisdiction to act on its behalf in giving or serving a notice on the person or in performing any other act that the Authority could lawfully perform in this jurisdiction.
- (5) If the Authority receives a request under a provision of the corresponding driver law of another jurisdiction that corresponds with subclause (4), it may act on behalf of the driver licensing authority of that jurisdiction accordingly.
- (6) A notice given for the purposes of clause 58 of the *Road Transport (Driver Licensing) Regulation 2008* may only be given personally.
- (7) If it is provided in the *Road Transport (Driver Licensing) Regulation 2008* that any notification, document or thing must be forwarded, surrendered or delivered to the Authority, it is sufficient compliance with any such provision if the notification, document or thing is forwarded or surrendered to or delivered at a motor registry within the time prescribed by that Regulation.

7 Service of notices on registered operators and delivery of things to Authority under vehicle registration law (cf Gen Reg, cl 7)

- (1) For the purposes of sections 276 (3) and 277 (2) of the Act, the provisions of this clause set out the only manner in which a notice under the vehicle registration law may be given or served on the registered operator of a registrable vehicle.
- (2) The Authority may give or serve any notice under the vehicle registration law on the registered operator of a registrable vehicle by sending the notice by post or by some other means to the registered operator's home address, or to the address for service of notices (if any) recorded in the NSW registrable vehicles register in relation to the vehicle.
- (3) The date on which a registered operator is taken to have been given or served with a notice under the *Road Transport (Vehicle Registration) Regulation 2007* is:
 - (a) if the notice is sent by mail—the fourth working day after the notice was posted, or
 - (b) if the notice is delivered to the person personally—the date when it is so delivered.

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- (4) If it is provided in the *Road Transport (Vehicle Registration) Regulation 2007* that any notification, document or thing must be forwarded, surrendered or delivered to the Authority, it is sufficient compliance with any such provision if the notification, document or thing is forwarded or surrendered to or delivered at a motor registry within the time prescribed by that Regulation.
- (5) In this clause:
vehicle registration law means:
(a) Chapter 4 of the Act, and
(b) the *Road Transport (Vehicle Registration) Regulation 2007*.

8 Notices to unincorporated associations in connection with mobility parking scheme authorities (cf Gen Reg, cl 8)

The Authority may give a notice to, or serve a notice on, an unincorporated association of persons under the provisions of Division 2 of Part 6 by sending the notice by post or by some other means to the address for service of the association that is specified in its application form for a mobility parking scheme authority or subsequently notified to the Authority.

Division 3 Operation of inconsistent legislation

9 Royal Botanic Gardens and Domain Trust Act 1980 (cf Gen Reg, cl 9)

For the purposes of section 14 (5) of the Act, any provision of the *Royal Botanic Gardens and Domain Trust Act 1980* (or any regulation made under that Act) in respect of parking on Trust lands within the meaning of that Act prevails over any inconsistent provision of the road transport legislation concerning parking.

10 Local Government Act 1993 (cf Gen Reg, cl 10)

For the purposes of section 14 (5) of the Act, any provision of the *Local Government Act 1993* (or any regulation made under that Act) in respect of the use of skating equipment on public land (within the meaning of that Act) prevails over any inconsistent provision of the road transport legislation concerning the use of such equipment.

Part 3 Safety and traffic management

Division 1 Responsibility for certain vehicle use

- 11 Causing, permitting or allowing certain 4.5 tonne vehicles and combinations to be driven in excess of 100 kilometres per hour** (cf STM Reg, cl 38)
- (1) A person (other than a driver) must not cause, permit or allow a vehicle with a GVM over 4.5 tonnes or a vehicle and trailer combination with a GCM over 4.5 tonnes to be driven on a road at a speed in excess of 100 kilometres per hour.
- Maximum penalty:
- (a) in the case of a vehicle that is a heavy motor vehicle (within the meaning of rule 10–2 of the *Road Rules 2008*) or coach—30 penalty units, or
- (b) in any other case—20 penalty units.
- Note.** A driver who drives such vehicles in excess of 100 kilometres per hour will commit an offence against rule 20 of the *Road Rules 2008*. See also rules 21 (2) and 25 (3) (a) of those Rules.
- (2) In this clause:
vehicle, trailer and *combination* have the same meanings as in the *Road Rules 2008*.
- 12 Use of vehicle that drops waste oil or grease** (cf STM Reg, cl 43)
- The responsible person for a motor vehicle or trailer (other than the driver) must not cause, permit or allow or fail to take reasonable precautions to prevent a contravention of rule 291–2 of the *Road Rules 2008*.
- Maximum penalty: 20 penalty units.
- Note.** Rule 291–2 of the *Road Rules 2008* provides that the driver of a motor vehicle or trailer must not drive the vehicle without adequate precautions being taken to prevent waste oil or grease from the machinery, or from any other part, of the vehicle from dropping on the roadway.
- 13 Use of motor bike sidecars** (cf STM Reg, cl 47)
- (1) The responsible person for a motor bike that is ridden with a passenger in a sidecar must not cause, permit or allow or fail to take reasonable precautions to prevent a contravention of rule 271 of the *Road Rules 2008* in relation to how persons travel in the sidecar.
- Maximum penalty: 20 penalty units.
- Note.** Rule 271 of the *Road Rules 2008* provides for how persons are to ride motor bikes and travel in sidecars.

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- (2) Subclause (1) does not apply to the rider of a motor bike or a passenger in a sidecar.

14 Number of vehicles that may be drawn together (cf STM Reg, cl 48)

A person (other than a driver) must not cause or permit a vehicle to be driven in contravention of rule 294–1 (1) of the *Road Rules 2008*.

Maximum penalty: 20 penalty units.

Note. Rule 294–1 of the *Road Rules 2008* provides that (subject to certain exceptions) a driver must not drive any of the following vehicles unless written permission is first obtained from the Commissioner of Police and all conditions of the permission are strictly complied with:

- (a) an articulated vehicle towing any motor vehicle, trailer or other vehicle,
- (b) any other motor vehicle towing more than one motor vehicle, trailer or other vehicle.

15 Use of lights on vehicles generally (cf STM Reg, cl 55)

A person (other than a driver) must not cause or permit a light or other device fitted to a vehicle to be used in contravention of rule 218–1 of the *Road Rules 2008*.

Maximum penalty: 20 penalty units.

Note. A driver who uses a light or other device fitted to the driver's vehicle in contravention of rule 218–1 of the *Road Rules 2008* will also commit an offence against that rule.

16 Use of crimson flashing warning lights on certain council vehicles (cf STM Reg, cl 56)

- (1) A person (other than a driver) must not cause or permit any crimson flashing warning light permitted to be fixed to a motor vehicle by clause 124 (4)–(9) of Schedule 2 to the *Road Transport (Vehicle Registration) Regulation 2007* to be used unless the vehicle is being used by an employee of a council for the purposes of enforcing excess weight limits legislation.

Maximum penalty: 20 penalty units.

Note. See rule 221–1 (1) of the *Road Rules 2008* for the corresponding offence in relation to drivers.

- (2) In this clause:

excess weight limits legislation means any of the following:

- (a) Chapter 3 of the *Road Transport (Vehicle and Driver Management) Act 2005*,
- (b) the *Road Transport (Mass, Loading and Access) Regulation 2005*.

17 Use of lights on stationary vehicles (cf STM Reg, cl 58)

- (1) A person (other than a driver) must not cause or permit a motor vehicle or trailer to stand on a road during a period of darkness unless the rear light and any clearance or side marker light required to be fitted to the vehicle by Schedule 2 to the *Road Transport (Vehicle Registration) Regulation 2007* are lighted.

Maximum penalty: 20 penalty units.

Note. See rule 220–1 (1) of the *Road Rules 2008* for the corresponding offence in relation to drivers of motor vehicles.

- (2) Subclause (1) does not apply to the standing of a vehicle on a length of road with street lighting that renders a motor vehicle or trailer clearly visible.

- (3) A person (other than a driver) must not cause or permit a motor vehicle to stand on a road during a period of darkness with its headlight lighted while the vehicle is not actually engaged in dropping off, or picking up, passengers.

Maximum penalty: 20 penalty units.

Note. See rule 220–1 (3) of the *Road Rules 2008* for the corresponding offence in relation to drivers of motor vehicles.

- (4) In this clause:

period of darkness has the same meaning as in the *Road Rules 2008*.

18 Carriage of dangerous goods in prohibited areas (cf STM Reg, cl 59)

- (1) A person (other than a driver) must not cause, permit or allow the use of a dangerous goods transporter on or in any prohibited area.

Maximum penalty: 20 penalty units.

Note. Rule 300–2 of the *Road Rules 2008* provides that the driver of a dangerous goods transporter must not use the vehicle on or in certain prohibited areas.

- (2) The Commissioner of Police may issue a permit (whether with or without conditions) authorising a dangerous goods transporter to be used in a prohibited area.

- (3) A person does not commit an offence against subclause (1) if the dangerous goods transporter is:

- (a) displaying a permit issued under subclause (2) authorising it to be used in the prohibited area concerned, and
- (b) used in accordance with any conditions on which the permit was issued.

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- (4) The holder of a permit issued under subclause (2) who, without lawful excuse, contravenes a condition of the permit is guilty of an offence.
Maximum penalty: 20 penalty units.
- (5) Terms or expressions used in this clause that are defined for the purposes of rule 300–2 of the *Road Rules 2008* have the same meanings as in that rule.

19 Use of lengthy vehicles in central Sydney and on certain other roads (cf STM Reg, cl 87)

- (1) A person (other than a driver) must not cause or permit a lengthy vehicle to be driven in contravention of rule 300–3 of the *Road Rules 2008*.
Maximum penalty: 20 penalty units.
Note. Rule 300–3 of the *Road Rules 2008* provides that the driver of a lengthy vehicle must not, unless written permission is first obtained from the Authority and all the conditions of the permission are strictly complied with, drive the vehicle during certain times on weekdays in specified parts of central Sydney and other roads.
- (2) In this clause, *lengthy vehicle* has the same meaning as in rule 300–3 of the *Road Rules 2008*.

20 Prohibition on car minding (cf STM Reg, cl 89)

- (1) The Commissioner of Police may, by written notice served on a person, prohibit the person from:
 - (a) parking, minding, caring for, or taking charge of any motor vehicle or trailer (other than a motor vehicle or trailer of which the person is the driver) on any road, or
 - (b) offering his or her services for any such purpose.
- (2) A person on whom a notice under subclause (1) has been served must comply with any prohibition in the notice.
Maximum penalty: 20 penalty units.
- (3) Nothing in this clause authorises the Commissioner of Police:
 - (a) to prohibit the proprietor of a parking station or parking area from parking, minding, caring for, or taking charge of a motor vehicle or trailer in or on any parking station or parking area, or
 - (b) to prohibit the proprietor of a parking station or parking area from offering the proprietor's services for any such purpose,whether by the display or publication of any advertisement in relation to the parking station or parking area or otherwise and whether the services are performed or offered to be performed by the proprietor or by an employee of the proprietor.

21 Inspection of driver licences by responsible persons (cf STM Reg, cl 90)

The responsible person for or the person in charge of a motor vehicle must, before permitting any other person to drive the vehicle, cause the driver licence issued to the person to be produced to the responsible person or person in charge and inspect the licence.

Maximum penalty: 20 penalty units.

Note. Rule 300–5 of the *Road Rules 2008* makes it an offence for the driver of a motor vehicle not to carry his or her driver licence.

22 Responsible person's consent (cf STM Reg, cl 91)

The person in charge of a motor vehicle or trailer on a road must not permit any person to drive or use the vehicle without the consent of the responsible person for the vehicle.

Maximum penalty: 20 penalty units.

23 Parents not to cause or permit children to drive on roads (cf STM Reg, cl 92)

- (1) Any parent of a child must not cause or permit the child to drive a motor vehicle on a road.

Maximum penalty: 20 penalty units.

- (2) Subclause (1) does not apply to a parent of a child if the Authority:

- (a) has granted a driver licence to the child under the Act, or
- (b) has issued a learner licence to the child under the Act.

- (3) In this clause:

child means a person who has not attained the age of 16 years and 9 months.

parent of a child includes a person having parental responsibility (within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*) for the child.

24 School buses (cf STM Reg, cl 93)

- (1) The owner of a bus must, before permitting any person to drive the bus for school purposes:

- (a) attach to the bus 2 signs complying with subclause (2), or
- (b) provide for use by the driver 2 signs complying with subclause (2) and the means of attaching the signs to the bus.

Maximum penalty: 20 penalty units.

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- (2) The signs referred to in subclause (1) must contain the words “School Bus” in block letters:
 - (a) not less than:
 - (i) 100 millimetres high in the case of the sign to be displayed at the front of a bus, and
 - (ii) 120 millimetres high in the case of the sign to be displayed at the rear of a bus, and
 - (b) in black lettering on a fluorescent yellow background.
- (3) In this clause, a reference to *drive a bus for school purposes* is a reference to the driving of a bus that:
 - (a) is being used solely or principally for the conveyance of children to or from school, and
 - (b) is being so used on a journey wholly outside a transport district (within the meaning of the *Transport Administration Act 1988*).
- (4) This clause does not apply to a vehicle that is operated in accordance with clause 25.

25 Warning signs and lights for school buses (cf STM Reg, cl 94)

- (1) The owner of a bus must not permit any person to drive the bus for school purposes on a road unless a warning system is attached to the bus.
Maximum penalty: 20 penalty units.
- (2) This clause does not apply to a bus:
 - (a) that is operating on charter for a school excursion or being used for community service activities, and
 - (b) where no individual fares are being directly collected or school passes used.
- (3) This clause does not apply to the owner of a bus whom the Authority exempts from compliance with this clause.
- (4) The Authority is to make any technical specification approved for the purposes of this clause available on request.
- (5) For the purposes of this clause, a bus is driven or used for school purposes if:
 - (a) it is being used to convey children (whether with or without adult passengers) to or from school:
 - (i) between 7.00 am and 9.30 am on a weekday, or
 - (ii) between 2.30 pm and 5.00 pm on a weekday, or

(b) it is used solely for the purpose of conveying children to or from school.

(6) In this clause:

warning system means a system of signs and flashing lights that is designed to warn motorists of the presence of children on a bus and that complies with the requirements of the technical specification approved by the Authority from time to time for the purposes of this clause.

26 Safety provisions for buses first registered on or after 1 August 1997 (cf STM Reg, cl 95)

(1) This clause applies to any bus used by an accredited service operator to operate any regular passenger service within the meaning of the *Passenger Transport Act 1990* and first registered on or after 1 August 1997.

(2) The owner of a bus must not permit any person to drive the bus on a road unless the bus is fitted with:

- (a) a bus door safety system, and
- (b) safety padding, and
- (c) a field of view system.

Maximum penalty: 20 penalty units.

(3) A person must not drive a bus on a road unless the bus is fitted with:

- (a) a bus door safety system, and
- (b) safety padding, and
- (c) a field of view system.

Maximum penalty: 20 penalty units.

(4) A requirement of subclause (2) or (3) does not apply:

- (a) to the owner of a bus whom the Authority exempts in writing from compliance with the requirement, and
- (b) to the driver of a bus, the owner of which has been exempted under paragraph (a).

(5) The Authority is to make any technical specification approved for the purposes of this clause available on request.

(6) In this clause:

bus door safety system means a bus door system installed on a bus that:

- (a) is designed to prevent, without driver intervention, entrapment of persons by the closing of the doors, and
- (b) complies with the requirements of any technical specification approved by the Authority for the purposes of this clause.

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field of view system means a system installed on a bus that:

- (c) provides the driver of the bus with an adequate view of the doorways of the bus, and
- (d) complies with the requirements of the technical specification approved by the Authority for the purposes of this clause.

safety padding means padding that:

- (a) is affixed to handrails, the top and back of seats, and partitions on buses, including raised items that are part of, or are affixed to, seats and partitions, and
- (b) complies with the requirements of the technical specification approved by the Authority for the purposes of this clause.

27 Door requirements for buses registered before 1 August 1997 (cf STM Reg, cl 96)

- (1) This clause applies to buses fitted with driver controlled doors and first registered before 1 August 1997.
- (2) The owner of a bus to which this clause applies must not permit a person to drive a bus on a road unless the steady force applied to any object located up to 1,500 millimetres above the door step when the door of the bus is closing does not exceed 150 newtons when measured between 20 millimetres and 300 millimetres from the door's fully closed position.
Maximum penalty: 20 penalty units.
- (3) A person must not drive a bus to which this clause applies on a road unless the steady force applied to any object located up to 1,500 millimetres above the door step when the door of the bus is closing does not exceed 150 newtons when measured between 20 millimetres and 300 millimetres from the door's fully closed position.
Maximum penalty: 20 penalty units.
- (4) Despite subclauses (2) and (3), the steady force applied to any object located up to 1,500 millimetres above the door step when the door of the bus is closing may, if a steady force of 150 newtons results in the door not working properly, be increased to a steady force that enables the door to work properly. However, it must not, in any case, be increased to more than 400 newtons.

Division 2 Alcohol and other drug use

28 Substances prescribed as drugs for the purposes of the definition of “drug” in section 4 (1) of Act (cf STM Reg, cl 127)

For the purposes of paragraph (c) of the definition of *drug* in section 4 (1) of the Act, the following are prescribed as drugs:

- (a) substances listed in Schedule 3, and
- (b) substances that are salts, isomers, esters or ethers of any of the substances so listed or that are salts of those isomers, esters or ethers.

29 Premises, institutions and establishments prescribed for the purposes of Schedule 3 to Act (cf STM Reg, cl 128)

Each of the following premises, institutions and establishments are prescribed as hospitals for the purposes of Division 4 of Part 2 of Schedule 3 to the Act and as places to which samples may be taken under Schedule 3 to the Act as referred to in the definition of *prescribed place* in clause 1 (1) of that Schedule:

- (a) the following premises, institutions or establishments of the Royal Australian Air Force:
 - (i) Medical Section, No. 1 Central Ammunition Depot, Kingswood,
 - (ii) No. 3 RAAF Hospital, RAAF Base, Richmond,
 - (iii) Base Medical Flight, RAAF Base, Williamtown,
- (b) the 7th Camp Hospital, Kapooka, of the Australian Army,
- (c) the following premises, institutions or establishments of the Royal Australian Navy:
 - (i) Naval Hospital, HMAS Penguin, Balmoral,
 - (ii) Sick Bay, HMAS Harman, Canberra, ACT,
 - (iii) Sick Bay, HMAS Kuttabul, Garden Island,
 - (iv) Sick Bay, HMAS Creswell, Jervis Bay, ACT,
 - (v) Naval Hospital, HMAS Albatross, Nowra,
 - (vi) Sick Bay, HMAS Watson, Watson’s Bay,
 - (vii) Sick Bay, HMAS Waterhen, Waverton.

30 Analysis of oral fluid, blood and urine samples—prescribed laboratory (cf STM Reg, cl 129)

For the purposes of clause 22 and Part 4 of Schedule 3 to the Act, the laboratory at Lidcombe of the NSW Forensic & Analytical Science Service is prescribed.

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31 Standards for approved oral fluid analysing instruments and testing devices (cf STM Reg, cl 130B)

- (1) For the purposes of the definition of *approved oral fluid analysing instrument* in clause 1 (1) of Schedule 3 to the Act, the following standard is prescribed:

The instrument (when calibrated and operated properly) must be capable of confirming the presence of a prescribed illicit drug in a sample of oral fluid where the concentration of the drug in the fluid is 25 nanograms per millilitre or greater.

- (2) For the purposes of the definition of *approved oral fluid testing device* in clause 1 (1) of Schedule 3 to the Act, the following standard is prescribed:

The device (when calibrated and operated properly) must be capable of indicating the presence of a prescribed illicit drug in oral fluid being tested where the concentration of the drug in the fluid is 150 nanograms per millilitre or greater.

Division 3 Prescribed traffic control devices

32 Devices that are prescribed for the purposes of section 121 of Act (cf STM Reg, cl 131)

- (1) For the purposes of the definition of *prescribed traffic control device* in section 121 of the Act, the following traffic control devices are prescribed:

- (a) any traffic control device of a kind mentioned in the *Road Rules 2008* that has effect for the Rules under rule 315 of the Rules,
Note. See also rules 316–318 of the *Road Rules 2008*.
- (b) any word, figure, symbol or anything else used on or with a traffic control device referred to in paragraph (a),
- (c) any pay parking device, parking meter or parking ticket machine.

- (2) In this clause:

traffic control device has the same meaning as it has in the *Road Rules 2008*.

Note. The *Road Rules 2008* define traffic control devices to mean traffic signs, road markings, traffic signals, or other devices, to direct or warn traffic on, entering or leaving a road.

33 Offence—preventing traffic control device from being clearly observed (cf STM Reg, cl 132 (1) and (2))

- (1) A person must not (except with the approval of the Authority) place or cause to be placed any matter or thing in such a position as to prevent or be likely to prevent any prescribed traffic control device (within the

meaning of section 121 of the Act) from being clearly observed by the driver of any motor vehicle approaching the device along a portion of a road in respect of which the device is installed or displayed.

Maximum penalty: 20 penalty units.

Note. Section 123 of the Act also makes it an offence for a person to install or display (or interfere with, alter or remove) any prescribed traffic control device without appropriate authority.

- (2) If the Authority or a police officer directs a person who has contravened subclause (1) to remove immediately the matter or thing concerned, the person must comply with the direction.

Maximum penalty: 20 penalty units.

34 Offence—displaying “do not overtake turning vehicle sign” on vehicles less than 7.5 metres long (cf STM Reg, cl 132 (3))

A person (other than a driver) must not cause or permit a motor vehicle to be driven on a road that has exhibited on the rear of the vehicle, or on the rear of a trailer that is attached to the vehicle, a *do not overtake turning vehicle sign* (as referred to in the *Road Rules 2008*) unless the vehicle is, or the vehicle and trailer together are, 7.5 metres long or longer.

Maximum penalty: 20 penalty units.

Note. Rule 316–2 of the *Road Rules 2008* provides that a driver must not drive a motor vehicle if a *do not overtake turning vehicle sign* is displayed on the rear of the vehicle or on the rear of a trailer that is attached to the vehicle unless the vehicle is, or the vehicle and trailer together are, 7.5 metres long or longer.

Division 4 Approved traffic enforcement devices

35 Testing and security indicators for approved traffic enforcement devices (cf STM Reg, cll 156, 156A, 156B and 156D)

- (1) For the purposes of section 137 (b) of the Act:
- (a) an approved traffic enforcement device that is approved for speed measurement and is a radar based device of a kind to which the Australian Standard entitled AS 2898.1—2003, *Radar speed detection—Functional requirements and definitions* applies must be tested for accuracy and functional requirements in accordance with that Standard, and
 - (b) any other approved traffic enforcement devices that are approved for speed measurement must be tested for accuracy and functional requirements in accordance with the manufacturer’s recommended calibration method as approved by the Commissioner of Police or (in the case only of a device that is used in conjunction with, or forms part of, a digital camera device) by the Authority, and

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- (c) the prescribed period is 12 months.
- (2) Each of the following is prescribed as a security indicator for the purposes of section 138 (1) of the Act:
 - (a) a series of 32 characters produced by an MD5 algorithm,
 - (b) a series of 48 characters of which 32 characters have been produced by an MD5 algorithm,
 - (c) a series of 40 characters produced by a SHA-1 algorithm,
 - (d) a series of 56 characters produced by a SHA-224 algorithm,
 - (e) a series of 64 characters produced by a SHA-256 algorithm,
 - (f) a series of 96 characters produced by a SHA-384 algorithm,
 - (g) a series of 128 characters produced by a SHA-512 algorithm.
- (3) The prescribed period for the purposes of section 138 (2) (b) of the Act is 30 days.
- (4) For the purposes of this clause, *character* includes a letter, number or symbol.

36 Public transport lane offences (cf STM Reg, cl 156C)

For the purposes of paragraph (b) of the definition of *public transport lane offence* in section 135 (1) of the Act, the following offences are prescribed:

- (a) rule 154 (1) of the *Road Rules 2008*,
- (b) rule 157–1 of the *Road Rules 2008*.

Division 5 Child safety

37 Schemes to assist children to cross roads (cf STM Reg, cl 138)

- (1) The Authority may:
 - (a) from time to time give authorities for schemes (*authorised children's crossing schemes*) designed to assist children to cross roads with safety to be conducted by persons who are desirous of taking part in such schemes and are referred to in such authorities, and
 - (b) authorise any person or class of persons by whom such schemes may be conducted to exercise and discharge for the purposes of such schemes the functions specified in such authorities, and
 - (c) at any time revoke any such authority.
- (2) Each authorised children's crossing scheme comes into force on the date specified in the authority for the scheme.

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- (3) Any authorised children's crossing scheme in force under this clause may from time to time be amended or replaced by a subsequent scheme authorised in like manner.
- (4) Any person taking part in the carrying out of any authorised children's crossing scheme must:
- (a) have attained the age of 18 years, and
 - (b) wear any safety vest issued to him or her by the Authority.
- (5) For the purpose of carrying out any authorised children's crossing scheme, when children are about to use or are on a crossing, any person authorised in that behalf by the Authority:
- (a) may cause to be exhibited at or near the crossing, on each side of the roadway, a hand-held stop sign, or
 - (b) cause a barrier to be placed on each side of the crossing across or partly across the roadway.
- (6) A barrier referred to in subclause (5) (b):
- (a) must be so placed that it is parallel to the crossing and is on that side of the crossing that is nearer to approaching traffic, and
 - (b) must be of a type approved by the Authority and must have affixed to it a stop sign in or to the effect of a hand-held stop sign, and
 - (c) must be so constructed that when it is placed in position on the roadway any stop sign affixed to it will face and be clearly visible to the driver of any motor vehicle approaching the crossing on the side of the roadway where the barrier is situated.
- (7) In any proceedings in any court, evidence that a hand-held stop sign was exhibited, as prescribed by this clause, by a person at or near a crossing when children were about to use, or were on, any portion of the crossing, is admissible and is prima facie evidence that the exhibition of the sign by such person was authorised.
- (8) In this clause:
- crossing** means a children's crossing within the meaning of rule 80 of the *Road Rules 2008* or a pedestrian crossing within the meaning of rule 81 of the *Road Rules 2008*.
- hand-held stop sign** is a traffic sign of the kind referred to in rule 80 of the *Road Rules 2008*.

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Division 6 Seizure of certain vehicles

Subdivision 1 Interpretation

38 Definitions (cf STM Reg, cl 144)

In this Division:

designated road means any of the following roads (or portions of roads) in Kings Cross in the City of Sydney:

- (a) Amos Lane,
- (b) Barncleuth Square,
- (c) Bayswater Road, between Ward Avenue and Roslyn Street,
- (d) Brougham Street,
- (e) Earl Place,
- (f) Hughes Street,
- (g) Kings Cross Road,
- (h) Manning Street,
- (i) McDonald Street,
- (j) Orwell Street,
- (k) Rockwall Crescent,
- (l) Tusculum Street,
- (m) Victoria Street.

enforcement officer means the general manager of the Council of the City of Sydney or an employee of that Council authorised by the general manager to be an enforcement officer for the purposes of Subdivision 3.

general manager means the general manager of the Council of the City of Sydney.

officer-in-charge means the officer-in-charge of the place at which the vehicle is kept or impounded under Subdivision 2.

Subdivision 2 Seizure of vehicles by police officers

39 When police officers may seize motor vehicles or trailers (cf STM Reg, cl 145)

- (1) A police officer may seize and take charge of, and remove or tow away or cause to be removed or towed away, any motor vehicle or trailer:
 - (a) that is a danger or unreasonable obstruction to traffic, or
 - (b) that has been abandoned on a road, or

- (c) that has been caused or permitted to be used contrary to law on any part of a road in which is conspicuously displayed a sign exhibiting or including the words “tow away area” or “vehicles impounded” or other words indicating that the vehicle is subject to seizure.
- (2) Before seizing a motor vehicle or trailer, the police officer must:
- (a) if no person is in charge of the vehicle—make reasonable inquiry for the purpose of locating the responsible person for or driver of the vehicle, and
 - (b) if on such inquiry the responsible person for or driver of the vehicle is located—request the responsible person for the vehicle or driver to remove the vehicle or cause it to be removed immediately and give the responsible person or driver a reasonable opportunity to comply with the request, and
 - (c) if any person is in charge of the vehicle—request the person to remove the vehicle or cause it to be removed immediately and give the person a reasonable opportunity to comply with the request.
- (3) The inquiry referred to in subclause (2) (a) must be made in the vicinity of the place where the vehicle is found. However, nothing in that paragraph authorises or requires a police officer to enter any building for the purpose of the inquiry.

40 Where seized vehicle to be kept (cf STM Reg, cl 146)

Any motor vehicle or trailer so removed or towed away may be kept or impounded at any place appointed or set apart by the Commissioner of Police for the purpose.

41 Commissioner of Police to notify responsible person of seizure (cf STM Reg, cl 147)

On seizure of a motor vehicle or trailer under this Subdivision, the Commissioner of Police must:

- (a) if the name and address of the responsible person for the vehicle are recorded at the office of the Authority in respect of the registration (if any) of the vehicle—send or cause to be sent to such person a notice setting out particulars of the time, date and place of the seizure and the place where the vehicle is kept or impounded within a period of 14 days after the seizure, or
- (b) if the name and address of the responsible person for the vehicle are not so recorded:
 - (i) if the responsible person for the vehicle can, after reasonable inquiry, be located—send or cause to be sent to

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the responsible person a notice setting out the particulars referred to in paragraph (a) within a period of 14 days after the seizure, or

- (ii) if the responsible person for the vehicle cannot, after reasonable inquiry, be located—cause a notice setting out the like particulars referred to in paragraph (a) to be published in a newspaper circulating in the area in which the vehicle is seized.

42 Conditions for release of a seized vehicle (cf STM Reg, cl 148)

- (1) Except in the case of a motor vehicle or trailer that is dealt with under subclause (2), the following conditions are to be observed before the release of a motor vehicle or trailer kept or impounded under this Subdivision:
 - (a) application for the release must be made by the responsible person for the motor vehicle or trailer or by a person acting for or on behalf of the responsible person to an officer-in-charge,
 - (b) the applicant must furnish evidence as to the responsible person for the motor vehicle or trailer to the satisfaction of the officer-in-charge,
 - (c) the motor vehicle or trailer must not be released from custody unless:
 - (i) the officer-in-charge is satisfied that the applicant is the responsible person for the motor vehicle or trailer or that the applicant possesses authority to act for or on behalf of the responsible person, and
 - (ii) the appropriate amount fixed by the Commissioner of Police as the amount payable in respect of the seizure, taking charge of, removal, towing away, keeping, impounding or releasing of the motor vehicle or trailer has been paid to the officer-in-charge, and
 - (iii) the applicant has signed a receipt for the delivery of the motor vehicle or trailer on a form supplied to the applicant by the officer-in-charge.
- (2) If, within a period of 3 months after the date on which the motor vehicle or trailer has been seized, the responsible person has failed to claim the motor vehicle or trailer and to pay the amount referred to in subclause (1) (c) (ii), the motor vehicle or trailer may, after the expiration of the period, be disposed of or destroyed in accordance with the directions of the Commissioner of Police.

Subdivision 3 Seizure of vehicles by council employees in Kings Cross area**43 When council employees may seize motor vehicles or trailers** (cf STM Reg, cl 149)

- (1) An enforcement officer may seize and take charge of, and remove or tow away or cause to be removed or towed away, any motor vehicle or trailer that has been caused or permitted to be used contrary to law in any part of a designated road in which is conspicuously displayed a sign exhibiting or including the words “tow away area” or “vehicles impounded” or other words indicating that the vehicle is subject to seizure.
- (2) Before seizing a motor vehicle or trailer, the enforcement officer must:
 - (a) if no person is in charge of the vehicle—make reasonable inquiry for the purpose of locating the responsible person for or driver of the vehicle, and
 - (b) if on such inquiry the responsible person for or driver of the vehicle is located—request the responsible person for the vehicle or driver to remove the vehicle or cause it to be removed immediately and give the responsible person or driver a reasonable opportunity to comply with the request, and
 - (c) if any person is in charge of the vehicle—request the person to remove the vehicle or cause it to be removed immediately and give the person a reasonable opportunity to comply with the request.
- (3) The inquiry referred to in subclause (2) (a) is to be made in the vicinity of the place where the vehicle is found. However, nothing in that paragraph authorises or requires an enforcement officer to enter any building for the purpose of the inquiry.

44 Where seized vehicle to be kept (cf STM Reg, cl 150)

Any motor vehicle or trailer so removed or towed away may be kept or impounded at any place appointed or set apart by the Commissioner of Police for the purpose.

45 Enforcement officer to notify Authority (cf STM Reg, cl 151)

- (1) As soon as practicable after the seizure of a motor vehicle or trailer, the enforcement officer must:
 - (a) give the Authority notice of the seizure containing a description of the vehicle to which it relates (including particulars on any registration label and number-plate attached to the vehicle and

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any identification number stamped on or applied to the engine),
and

- (b) request the Authority to supply to the enforcement officer any particulars known or available to the Authority of the name and address of the responsible person for the vehicle.
- (2) The Authority is to give the enforcement officer the requested particulars within 3 business days after receipt of the notice.

46 Enforcement officer to notify responsible person of seizure (cf STM Reg, cl 152)

- (1) If the name and address of the responsible person for the vehicle are supplied by the Authority, the enforcement officer must, within a period of 14 days after the seizure, send or cause to be sent to the responsible person a notice setting out particulars of the time, date and place of the seizure and the place where the vehicle is kept or impounded.
- (2) If the name and address of the responsible person for the vehicle are not so supplied, the enforcement officer must:
 - (a) if the responsible person for the vehicle can, after reasonable inquiry, be located—send or cause to be sent to the responsible person a notice setting out the particulars set out in clause 45 (1) (a) within a period of 14 days after the seizure, and
 - (b) if the responsible person for the vehicle cannot, after reasonable inquiry, be located—cause a notice setting out those particulars to be published in a newspaper circulating in the City of Sydney.

47 Applications for the release of seized vehicles (cf STM Reg, cl 153)

- (1) Application for the release of a motor vehicle or trailer kept or impounded under this Subdivision is to be made by the responsible person for the motor vehicle or trailer or by a person acting for or on behalf of the responsible person to the general manager at an office of the Council of the City of Sydney during office hours on a business day.
- (2) The application is to be dealt with by the general manager or by some other enforcement officer designated by the general manager.
- (3) The applicant is to furnish evidence as to the responsible person for the motor vehicle or trailer to the satisfaction of the enforcement officer to whom the application is made.
- (4) The motor vehicle or trailer is not to be released from custody unless:
 - (a) the enforcement officer dealing with the application is satisfied that the applicant is the responsible person for the motor vehicle or trailer or that the applicant possesses authority to act for or on behalf of the responsible person, and

- (b) any amount payable under a penalty notice served on the responsible person in respect of an offence against this Regulation of stopping or parking the motor vehicle or trailer (or of causing or permitting the motor vehicle or trailer to stop, wait or park) in that portion of the designated road from which the motor vehicle or trailer was removed or towed away has been paid, and
 - (c) the appropriate amount fixed by the Authority as the amount payable in respect of the seizure, taking charge of, removal, towing away, keeping, impounding or releasing of the motor vehicle or trailer has been paid to the enforcement officer to whom the application is made, and
 - (d) the applicant has signed a receipt for the delivery of the motor vehicle or trailer on a form supplied to the applicant by the enforcement officer to whom the application is made.
- (5) If, within a period of 3 months after the date on which the motor vehicle or trailer has been seized, the responsible person has failed to claim the motor vehicle or trailer and to pay the appropriate amount, the motor vehicle or trailer may, after the expiration of the period, be disposed of or destroyed in accordance with the directions of the general manager or the Council of the City of Sydney.
- (6) For the purposes of subclause (4) (b), an amount is not to be taken to be payable under a penalty notice unless the requirements of Part 3 of the *Fines Act 1996* have been complied with.

Division 7 Impounded vehicles

48 Impounding fee (cf Gen Reg, cl 36)

For the purposes of section 250 (1) of the Act, the prescribed fee for storage of an impounded vehicle is the fee prescribed by Schedule 1.

49 Towing fee for impounded vehicles (cf Gen Reg, cl 37)

- (1) A fee is payable to the Commissioner of Police by the responsible person for a vehicle that is towed under section 239 or 242 of the Act, except as otherwise provided by this clause.
- (2) The fee payable is whichever is the lesser of the following:
 - (a) the actual cost of towing the vehicle,
 - (b) the maximum charge for the time being determined under section 54 of the *Tow Truck Industry Act 1998* (including any

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surcharge chargeable, in the circumstances of the case, in accordance with a determination under that section) for:

- (i) in the case of the Sydney metropolitan area—a 50-kilometre tow, or
 - (ii) in any other case—a 100-kilometre tow.
- (3) A fee is not payable under this clause (and if paid, is refundable) unless:
- (a) a person is convicted of the sanctionable offence within the meaning of Part 7.6 of the Act, or
 - (b) a penalty notice, issued under Division 3 of Part 7.3 of the Act in relation to the alleged offence, is dealt with by payment of the penalty prescribed under that Division or by a penalty notice enforcement order under the *Fines Act 1996* that is made, or is taken to have been made, against the person and that is not subsequently quashed or set aside.
- (4) A fee is not payable under this clause by the responsible person for the vehicle if the person furnishes the Commissioner of Police with a statutory declaration stating:
- (a) that the offence concerned was not committed with the responsible person's consent, and
 - (b) that the responsible person did not know, and could not reasonably be expected to have known, that the vehicle would be used for the commission of the offence, and
 - (c) that:
 - (i) at the time of the offence, the vehicle was being driven by a person whose name and address are supplied in the declaration, or
 - (ii) the responsible person does not know and could not with reasonable diligence have ascertained the name and address of the person who was driving the vehicle at that time.
- (5) A fee that, by virtue of subclause (4), is not payable by the responsible person for the vehicle is payable by the person driving the vehicle at the time of the relevant offence.
- (6) A statutory declaration referred to in subclause (4) that is produced in any proceedings for recovery of a fee under this clause from the driver of a vehicle that alleges that any person was the driver of the vehicle at the time of the offence is evidence of the driver's identity (unless evidence to the contrary is adduced).

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- (7) A court:
- (a) before which proceedings for an alleged sanctionable offence within the meaning of Part 7.6 of the Act are brought, or
 - (b) to which application is made under section 249 of the Act following the impounding of a vehicle for an alleged offence,
- that finds the offence proven may, for reasons of the avoidance of any undue hardship to any person or other injustice perceived by the court, by order direct that the fee prescribed by subclause (2) in relation to the towing of a vehicle in connection with the alleged offence be reduced by such amount as the court may specify or that, in the circumstances of the case, no fee is payable.
- (8) The Commissioner of Police is to give notice of any fee payable under this clause to the responsible person for the vehicle concerned and, except as otherwise provided by this Regulation, the fee is due and payable 14 days after the notice is given.

50 Disposal of impounded vehicles or vehicles forfeited to the Crown (cf Gen Reg, cl 38)

- (1) If a vehicle that was impounded under section 239, 242 or 245 of the Act has not been released, in accordance with Part 7.6 of the Act, at the end of the period for which it was liable to be impounded, the Commissioner of Police may, by notice served personally or by post on the registered operator of the vehicle and on every person having a registered interest (as defined in section 237 of the Act), warn the operator and every such person that the vehicle is liable to be offered for sale unless appropriate steps are taken to procure the release of the vehicle.
- (2) For the purposes of section 252 of the Act, a vehicle that has been forfeited to the Crown under section 243 or 245 of the Act, or that remains duly impounded for 28 days after service of notices referred to in subclause (1), may be offered for sale, except as provided by subclause (3) or by the order of any court.
- (3) A vehicle may not be offered for sale while any application under section 249 of the Act, or any subsequent proceedings arising out of such an application, are pending.
- (4) At any time within 12 months after a vehicle has been sold in accordance with this Regulation, a person may apply to the Commissioner of Police for payment to the person of the balance of the proceeds of sale of the vehicle, after deduction of any movement, towing and storage fees payable under the Act and the reasonable costs of or incidental to the sale.

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- (5) The balance of the proceeds of sale may be paid by the Commissioner of Police to any applicant who satisfies the Commissioner, on such evidence as the Commissioner may reasonably require, that:
- (a) the applicant was lawfully entitled to the vehicle immediately before its sale, and
 - (b) there was a reasonable excuse for the applicant's failure to obtain the release of the vehicle before it was sold.

Part 4 Road transportation

Division 1 Monitoring of heavy vehicles and vehicles carrying dangerous goods

51 Vehicles to which Part 6.1 of Act applies (in addition to vehicles carrying dangerous goods) (cf STM Reg, cl 133)

For the purposes of section 150 (1) (a) of the Act, the following vehicles are prescribed:

- (a) all classes and descriptions of coaches,
- (b) every heavy motor vehicle that is an articulated vehicle or a prime mover.

52 Prescribed officers for the purposes of Part 6.1 of Act (cf STM Reg, cl 134)

(1) For the purposes of Part 6.1 of the Act, the following persons are authorised as prescribed officers:

- (a) officers employed by the Authority as enforcement officers and to whom the Authority has issued a written authorisation for the purposes of this Division,
- (b) officers of the Dangerous Goods Branch of the WorkCover Authority who are employed as inspectors of dangerous goods,
- (c) authorised officers within the meaning of the *Dangerous Goods (Road and Rail Transport) Act 2008*.

(2) For the purposes of section 154 (4) (b) of the Act, the prescribed manner of identification is:

- (a) for a prescribed officer employed by the Authority—wearing a uniform of the Authority, or
- (b) for a prescribed officer employed by the WorkCover Authority—wearing a reflectorised vest displaying the words “SAFETY OFFICER”, or
- (c) for a prescribed officer referred to in subclause (1) (c)—wearing a reflectorised vest displaying the letters “EPA”.

53 Manner of approval of aspects of data recording and related matters (cf STM Reg, cl 135)

Any approval of the Authority for the purposes of Part 6.1 of the Act is to be signified in one of the following ways:

- (a) in a Vehicle Monitoring Device Specification published or adopted by the Authority (and available on request from the Authority),

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- (b) by instrument in writing signed by the Chief Executive of the Authority or by another person authorised in writing by the Authority and given to a person seeking to rely on it.

54 Accessories to contravention of Part 6.1 of Act (cf STM Reg, cl 136)

A person must not knowingly cause, permit or allow any other person to contravene a provision of Part 6.1 of the Act.

Maximum penalty: 20 penalty units.

55 Manner of granting exemptions (cf STM Reg, cl 137)

- (1) For the purposes of section 158 (1) of the Act, an exemption may be granted:
 - (a) by order published in the Gazette or in a newspaper circulating in New South Wales, or
 - (b) by notice in writing signed by the Chief Executive of the Authority, or by another person authorised in writing by the Authority, and served on the person who is, or whose vehicle is, to be exempted.
- (2) An exemption granted in the manner provided by subclause (1) (b) may in the same manner be rescinded.

Note. In relation to subclause (1) (a), section 43 (2) of the *Interpretation Act 1987* provides that if an Act or statutory rule confers a power on any person or body to make an order (whether or not the order must be in writing), the power includes power to amend or repeal any order made in the exercise of that power.

Division 2 Speed limiters

56 Application of Part 6.2 of the Act (cf STM Reg, cl 139)

For the purposes of section 161 (1) of the Act, the following vehicles are prescribed as vehicles to which Part 6.2 of the Act applies:

- (a) a motor lorry or bus manufactured on or after 1 January 1988 (but not a motor lorry or bus to which Part 9 of Schedule 2 to the *Road Transport (Vehicle Registration) Regulation 2007* applies), being:
 - (i) a motor lorry having a GVM exceeding 15 tonnes, or
 - (ii) a bus used to provide a public passenger service and having a GVM exceeding 14.5 tonnes,
- (b) a motor lorry or bus manufactured on or after 1 January 1991, being:
 - (i) a motor lorry having a GVM exceeding 12 tonnes, or

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- (ii) a bus used to provide a public passenger service and having a GVM exceeding 5 tonnes.

57 Manner of limiting speed (cf STM Reg, cl 141)

- (1) For the purposes of Part 6.2 of the Act, the manner of limiting the speed of a vehicle is:
- (a) in the case of a vehicle manufactured on or after 1 January 1989—the manner prescribed by the third edition ADR in respect of vehicles of that type, and
 - (b) in the case of a vehicle to which Part 9 of Schedule 2 to the *Road Transport (Vehicle Registration) Regulation 2007* applies—the manner prescribed in that Part, and
 - (c) in any other case—the manner prescribed by an order made by the Authority and published in the Gazette.
- (2) The requirements imposed by an order under subclause (1) (c) are not to be more onerous than the requirements of any Vehicle Standards Bulletin issued by the Commonwealth Department of Infrastructure and Transport.

58 Modifications (cf STM Reg, cl 142)

- (1) The Authority or a police officer may serve a notice under this clause on the responsible person for a vehicle to which Part 6.2 of the Act applies if the Authority or police officer has reason to believe that the vehicle is capable of being driven at a speed exceeding 105 kilometres per hour.
- (2) If:
- (a) a driver of any vehicle to which Part 6.2 of the Act applies has been convicted of an offence arising out of a contravention of clause 11 while driving the vehicle and it was found by the court that, at the time of the offence, the driver was driving the vehicle at a speed exceeding 105 kilometres per hour, or
 - (b) a driver of any vehicle to which Part 6.2 of the Act applies has paid a penalty prescribed for the purposes of section 195 of the Act in respect of an alleged offence so arising and the police officer or authorised officer who issued the relevant penalty notice indicated on the notice that, at the time of the alleged offence, the driver was driving the vehicle at a speed exceeding 105 kilometres per hour, or
 - (c) a penalty notice enforcement order under the *Fines Act 1996* has been made, or is taken to have been made, against a driver of any vehicle to which Part 6.2 of the Act applies in respect of an alleged offence so arising and the police officer or authorised

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officer who issued the relevant penalty notice indicated on the notice that, at the time of the alleged offence, the driver was driving the vehicle at a speed exceeding 105 kilometres per hour, the Authority or a police officer may serve a notice under this clause on the person who, at the time of the offence or alleged offence concerned, was the responsible person for the vehicle.

- (3) A notice under this clause may:
- (a) require alterations to be made to the vehicle by the responsible person on whom the notice was served so that the speed at which it is capable of being driven is limited, in the manner prescribed for the purposes of Part 6.2 of the Act, to not more than 100 kilometres per hour, and
 - (b) require the responsible person on whom the notice was served to supply such information concerning any such alterations made to the vehicle as the notice indicates, and
 - (c) require the responsible person on whom the notice was served to have the vehicle tested to determine whether the vehicle's speed is limited in accordance with Part 6.2 of the Act and to provide a certificate to that effect in the manner and form specified in the notice.

59 Exemptions (cf STM Reg, cl 143)

- (1) The Authority may:
- (a) by order published in the Gazette or in a newspaper circulating in New South Wales, or
 - (b) by notice in writing signed by the Chief Executive of the Authority, or by another person authorised in writing by the Authority, and served on the person who is, or whose vehicle is, to be exempted,
- exempt persons or vehicles from any specified provision or provisions of this Division.
- (2) The exemption may be unconditional or may be conditional on the observance of conditions specified in the notice of exemption.
- (3) If an exemption is conditional on the observance of specified conditions, the exemption ceases to have effect as soon as there is a failure to observe the conditions.
- (4) An exemption granted in the manner provided by subclause (1) (b) may in the same manner be rescinded.

Note. In relation to subclause (1) (a), section 43 (2) of the *Interpretation Act 1987* provides that if an Act or statutory rule confers a power on any person or body to make an order (whether or not the order must be in writing), the power

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includes power to amend or repeal any order made in the exercise of that power.

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Part 5 Parking schemes

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Division 1 Pay parking schemes

Subdivision 1 Metered parking schemes

60 Metered parking schemes (cf STM Reg, cl 97)

- (1) A parking authority may establish and operate metered parking schemes for any road within its area of operations.
- (2) For the purposes of any such scheme, a parking authority:
 - (a) may, in accordance with Authority guidelines, set aside metered parking spaces in any road within its area of operations, and
 - (b) may fix the fees for the parking of a vehicle in any such space, and
 - (c) may install parking meters for use in connection with the payment of such fees.
- (3) In the case of a council, the fees for parking in metered parking spaces are to be fixed by resolution of the council.
- (4) In the case of a declared organisation, the fees for parking in metered parking spaces are to be fixed in accordance with pricing principles set out in Authority guidelines.
- (5) Different fees may be fixed for different metered parking spaces and for different days and different times of day.
- (6) A parking meter may only be installed at the space to which it applies or, if one parking meter applies to more than one space, in the immediate vicinity of those spaces.
- (7) A metered parking scheme must facilitate the payment of fees for parking in cash (notes or coins, or both).
- (8) Subject to subclause (7), a metered parking scheme may provide for other methods of payment of fees for parking in accordance with Authority guidelines.
- (9) A parking authority may establish and operate on a trial basis, in accordance with the approval of the Authority (and any conditions of that approval), a metered parking scheme that does not facilitate the payment of fees for parking in cash, despite subclause (7). In such a case, the parking scheme may provide for such methods of payment of fees for parking as accord with the approval of the Authority (and any conditions of that approval).

Note. Rules 207–1 and 207–2 of the *Road Rules 2008* make provision for parking in metered parking areas. Clause 3 (1) defines a **metered parking area** and **metered parking space** to have the same meanings as in rule 207–1.

61 Metered parking areas (cf STM Reg, cl 98)

A parking authority may set aside the whole or any part of a road in its area of operations as a metered parking area.

Note. Rules 207–1 and 207–2 of the *Road Rules 2008* make provision for parking in metered parking areas. Clause 3 (1) defines a **metered parking area** and **metered parking space** to have the same meanings as in rule 207–1.

62 Parking meters (cf STM Reg, cl 99)

- (1) The parking meter for a metered parking space must indicate:
 - (a) the fees (if any) fixed for the space under this Subdivision, and
 - (b) that the fee may be paid using cash (notes or coins, or both) and the denomination of notes or coins that may be used to pay the fee by that method, and
 - (c) any other method that may be used to pay the fee for parking, such as the use of a smart card or another device, and how to use that method of payment.
- (2) A parking meter must clearly show the status of the metered parking space or spaces that it controls and, in the case of a multi-space parking meter, must identify each metered parking space by its number.
- (3) Subclause (1) (b) does not apply in respect of a parking meter that does not permit payment of the fee in cash (if the meter is used in connection with a scheme operated on a trial basis as referred to in clause 60 (9)).

63 Misuse of parking meters (cf STM Reg, cl 100)

A person must not:

- (a) insert in a parking meter anything other than cash (notes or coins) or other means of payment, such as a smart card, as specified on the meter, or
- (b) deface any parking meter or affix anything (such as advertising matter) to any parking meter.

Maximum penalty: 20 penalty units.

64 Damage to parking meters (cf STM Reg, cl 100A)

A person must not:

- (a) damage a parking meter, or
- (b) do anything that interferes with (or is likely to interfere with) the proper working of a parking meter, or

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(c) fraudulently operate a parking meter.

Maximum penalty: 20 penalty units.

65 Temporary closure of metered parking space (cf STM Reg, cl 100B)

- (1) A parking authority may, if it decides that the use of a metered parking space should be temporarily discontinued, close the space.
- (2) A metered parking space is closed for the purposes of subclause (1) if a sign displaying words to the effect that the space is temporarily closed is erected in, or in close proximity to, the space.

Note. A driver who parks in a space that is temporarily closed under this clause may commit an offence against rule 207-7 of the *Road Rules 2008*.

Subdivision 2 Ticket parking schemes

66 Ticket parking schemes (cf STM Reg, cl 101)

- (1) A parking authority may, in accordance with Authority guidelines, establish and operate a ticket parking scheme for any road within its area of operations.
- (2) For the purposes of any such scheme, a parking authority:
 - (a) may, in accordance with Authority guidelines, set aside as a ticket parking area the whole or any part of any road within its area of operations, and
 - (b) may fix the fees for the parking of vehicles in any such area, and
 - (c) may install devices for use in connection with the payment of such fees.
- (3) In the case of a council, the fees for parking in a ticket parking area are to be fixed by resolution of the council.
- (4) In the case of a declared organisation, the fees for parking in a ticket parking area are to be fixed in accordance with pricing principles set out in Authority guidelines.
- (5) Different fees may be fixed for different ticket parking areas and for different days and different times of day.
- (6) A ticket parking scheme must facilitate the payment of fees for parking in cash (notes or coins, or both).
- (7) Subject to subclause (6), a ticket parking scheme may provide for other methods of payment of fees for parking in accordance with Authority guidelines.
- (8) A parking authority may establish and operate on a trial basis, in accordance with the approval of the Authority (and any conditions of

that approval), a ticket parking scheme that does not facilitate the payment of fees for parking in cash, despite subclause (6). In such a case, the parking scheme may provide for such methods of payment of fees for parking as accord with the approval of the Authority (and any conditions of that approval).

Note. Rules 207–3 and 207–4 of the *Road Rules 2008* make provision for parking in ticket parking areas and spaces. Clause 3 (1) defines a **ticket parking area** and **ticket parking space** to have the same meanings as in rules 207–3 and 207–4 respectively.

67 Parking ticket machines (cf STM Reg, cl 104)

- (1) The parking ticket machine for a ticket parking area must indicate:
 - (a) the fees (if any) fixed for the area under this Subdivision, and
 - (b) that the fee may be paid using cash (notes or coins, or both) and the denomination of notes or coins that may be used to pay the fee by that method, and
 - (c) any other method that may be used to pay the fee for parking, such as the use of a smart card or another device, and how to use that method of payment.
- (2) Subclause (1) (b) does not apply in respect of a parking ticket machine that does not permit payment of the fee in cash (if the ticket machine is used in connection with a scheme operated on a trial basis as referred to in clause 66 (8)).

68 Parking tickets (cf STM Reg, cl 105)

- (1) The following information must be printed on a parking ticket:
 - (a) the day of the week,
 - (b) the date (expressed as the day of the month, the month and the year),
 - (c) the expiry time (expressed in hours and minutes),
 - (d) the name of the parking authority by which the ticket is issued,
 - (e) the ticket parking area code (if applicable),
 - (f) a serial number,
 - (g) instructions for use of the ticket.
- (2) A parking ticket must be legible and of a size and design that enables it to be easily displayed in or on a vehicle.

69 Duration of parking tickets (cf STM Reg, cl 106)

A parking ticket takes effect on the date and time it is issued and expires on the date and time specified on the ticket as the date and time of its expiry.

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70 Use of false or damaged parking tickets (cf STM Reg, cl 102)

A person must not display in or on a vehicle that is parked in a ticket parking area:

- (a) any article or thing resembling a parking ticket that falsely suggests that the relevant parking fee has been paid, or
- (b) any parking ticket that is altered, defaced, mutilated or illegible.

Maximum penalty: 20 penalty units.

71 Misuse of ticket machines (cf STM Reg, cl 103)

A person must not:

- (a) insert in a parking ticket machine anything other than cash (notes or coins) or other means of payment, such as a smart card, as specified on the machine, or
- (b) deface any parking ticket machine or affix anything (such as advertising matter) to any ticket machine.

Maximum penalty: 20 penalty units.

72 Temporary closure of ticket parking areas and spaces (cf STM Reg, cl 103A)

- (1) A parking authority may, if it decides that the use of a ticket parking area or ticket parking space should be temporarily discontinued, close the area or space.
- (2) A ticket parking area or ticket parking space is closed for the purposes of subclause (1) if a sign displaying words to the effect that the area or space is temporarily closed is erected in, or in close proximity to, the area or space.

Note. A driver who parks in an area or space that is temporarily closed under this clause may commit an offence against rule 207–7 of the *Road Rules 2008*.

Subdivision 3 Coupon parking schemes

73 Coupon parking schemes (cf STM Reg, cl 107)

- (1) A parking authority may, in accordance with Authority guidelines, establish and operate a coupon parking scheme for any road within its area of operations.
- (2) For the purposes of any such scheme, a parking authority:
 - (a) may, in accordance with Authority guidelines, set aside as a coupon parking area the whole or any part of any road within its area of operations, and
 - (b) may fix the fees for the parking of vehicles in any such area, and

- (c) may adopt such means of and schemes for payment of such fees as are approved from time to time by the Authority, and
 - (d) may install devices for use in connection with the payment of such fees (*pay parking devices*).
- (3) In the case of a council, the fees for parking in a coupon parking area are to be fixed by resolution of the council.
 - (4) In the case of a declared organisation, the fees for parking in a coupon parking area are to be fixed in accordance with pricing principles set out in Authority guidelines.
 - (5) Different fees may be fixed for different coupon parking areas and for different days and different times of day.

Note. Rules 207–5 and 207–6 of the *Road Rules 2008* make provision for parking in coupon parking areas and spaces. Clause 3 (1) defines a **coupon parking area** and **coupon parking space** to have the same meanings as in rules 207–5 and 207–6 respectively.

74 Parking coupons (cf STM Reg, cl 110)

- (1) A parking authority may issue pre-paid parking coupons, either time or money based, to be used for coupon parking areas within the parking authority's area of operations during the controlled parking hours.
- (2) The following information must be printed on a parking coupon:
 - (a) the name of the coupon parking scheme in connection with which the coupon may be used,
 - (b) the amount of money that has been paid for parking in coupon parking areas to which that scheme applies (in the case of a money based coupon) or the amount of time for which a vehicle may be parked in such an area (in the case of a time based coupon),
 - (c) a serial number,
 - (d) instructions for use of the coupon.
- (3) A parking coupon must be legible and of a size and design that enables it to be easily displayed in or on a vehicle.
- (4) A parking coupon must be so designed or manufactured as to enable a person to indicate on the coupon the date and time on which the coupon is to take effect.

75 Duration of parking coupons (cf STM Reg, cl 111)

- (1) A parking coupon (whether time based or money based) takes effect on the date and time indicated on the coupon (in the manner indicated by the instructions on the coupon) as the date and time on which it takes effect.

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- (2) A money based coupon expires at the end of the period of time for which it is in force, calculated by reference to:
 - (a) the date and time indicated on the coupon as the date and time on which it took effect, and
 - (b) the parking fee specified on the coupon as having been pre-paid, and
 - (c) the relevant parking fee for the coupon parking area in connection with which it is used, as indicated on the coupon parking signs by which the area is designated.
- (3) A time based coupon expires at the end of the period of time that it is in force, calculated by reference to:
 - (a) the date and time indicated on the coupon as the date and time on which it took effect, and
 - (b) the time specified on the coupon as the time for which the coupon remains in force.

76 Use of false or damaged parking coupons (cf STM Reg, cl 108)

A person must not display in or on a vehicle that is parked in a coupon parking area:

- (a) any article or thing resembling a parking coupon that falsely suggests that the relevant parking fee has been paid, or
- (b) any parking coupon that is altered, defaced, mutilated or illegible.

Maximum penalty: 20 penalty units.

77 Temporary closure of coupon parking areas and spaces (cf STM Reg, cl 109)

- (1) A parking authority may, if it decides that the use of a coupon parking area or coupon parking space should be temporarily discontinued, close the area or space.
- (2) A coupon parking area or coupon parking space is closed for the purposes of subclause (1) if a sign displaying words to the effect that the area or space is temporarily closed is erected in, or in close proximity to, the area or space.

Note. A driver who parks in an area or space that is temporarily closed under this clause may commit an offence against rule 207–7 of the *Road Rules 2008*.

Subdivision 4 Phone parking schemes

78 Phone parking schemes (cf STM Reg, cl 111A)

- (1) A parking authority may, in accordance with Authority guidelines, establish and operate a phone parking scheme for the whole or any part

of any road within its area of operations on which is operating a metered parking scheme, a ticket parking scheme or a coupon parking scheme.

- (2) For the purposes of any such phone parking scheme, a parking authority:
- (a) may, in accordance with Authority guidelines:
 - (i) set aside also as a phone parking area, the whole or any part of a metered parking area, a ticket parking area or a coupon parking area, that is within its area of operations, and
 - (ii) set aside also as a phone parking space, any metered parking space, ticket parking space or coupon parking space, and
 - (b) may fix the fees for the parking of a vehicle in any pay parking area, and
 - (c) may adopt such schemes for payment of such fees by mobile phone as are approved from time to time by the Authority.
- (3) In the case of a council, the fees for phone parking areas are to be fixed by resolution of the council.
- (4) In the case of a declared organisation, the fees for phone parking areas are to be fixed in accordance with pricing principles set out in Authority guidelines.
- (5) Different fees may be fixed for different phone parking areas and for different days and different times of day.

Note. Rules 207–8 and 207–9 of the *Road Rules 2008* make provision for parking in phone parking areas and spaces. Clause 3 (1) defines a **phone parking area** and **phone parking space** to have the same meanings as in rules 207–8 and 207–9, respectively.

79 Display of information relating to phone parking (cf STM Reg, cl 111B)

The following information must be displayed clearly on phone parking signs for a phone parking area, or on a parking meter or a parking ticket machine for a parking space or area that is also designated as a phone parking space or phone parking area:

- (a) a location number and phone number for the phone parking scheme,
- (b) such other information as may be set out in the Authority guidelines for the purposes of this clause.

80 Duration of parking in phone parking areas and spaces (cf STM Reg, cl 111D)

A phone parking period takes effect on the date and at the time the parking period is initiated by mobile phone in accordance with the

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protocols of the provider of the phone payment scheme and expires when the session is ended in accordance with those protocols.

81 Temporary closure of phone parking areas and spaces (cf STM Reg, cl 111C)

- (1) A parking authority may, if it decides that the use of a phone parking area or phone parking space should be temporarily discontinued, close the area or the space.
- (2) A phone parking area or phone parking space is closed for the purposes of subclause (1) if a sign displaying words to the effect that the area or space is temporarily closed is erected in, or in close proximity to, the area or space.

Note. A driver who parks in an area or space that is temporarily closed under this clause may commit an offence against rule 207–7 of the *Road Rules 2008*.

Subdivision 5 Miscellaneous

82 Councils' common pay parking schemes (cf STM Reg, cl 112)

- (1) A council may, in accordance with Authority guidelines, agree with one or more other councils concerning the operation of ticket parking schemes, phone parking schemes or coupon parking schemes on a common payment basis.
- (2) The councils must, by resolution, fix fees on a common basis that are to be charged for parking in the ticket parking areas, phone parking areas or coupon parking areas covered by the agreement.

83 Authority guidelines and approval (cf STM Reg, cl 113)

- (1) The Authority may, by order in writing, establish guidelines for the purposes of this Division.
- (2) To the extent that a provision of this Regulation requires a parking authority to comply with an Authority guideline or approval given under clause 60, 66, 73 or 78, the parking authority is not entitled to provide or charge for parking in a metered space, a phone parking area, a ticket parking area or a coupon parking area if it fails to comply with the guideline or approval.
- (3) For the purposes of this clause, a parking authority is taken to have complied with an Authority guideline or approval until the contrary is proved.

84 Other powers to provide pay parking (cf STM Reg, cl 114)

- (1) Nothing in this Division affects any other power of a parking authority to provide for parking on land within its area of operations.

- (2) A parking authority may exercise any power under this Division in relation to land that it does not own, but only with the consent of the owner of the land.
- (3) Such consent may be given subject to terms and conditions, including terms in relation to the duration and revocation of that consent.
- (4) Subject to any such terms, such consent may be revoked only after the giving of reasonable notice.

85 Overlapping schemes (cf STM Reg, cl 115)

- (1) Nothing in this Division prevents a parking authority from establishing and operating a pay parking scheme on any part of a road on which it is operating any other pay parking scheme.
- (2) The parking authority may not recover the fee fixed in respect of any vehicle parking in a metered space, a ticket parking area, a phone parking area or a coupon parking area if any other applicable parking fee has been paid.

86 Application of money from parking (cf STM Reg, cl 116)

- (1) The costs of administering a pay parking scheme operated by a parking authority under this Division are to be borne by the parking authority.
 - (2) Those costs are taken to include the following:
 - (a) the cost of providing, controlling, maintaining and regulating metered spaces, and the parking meters installed in respect of those spaces,
 - (b) the cost of providing, controlling, maintaining and regulating pay parking,
 - (c) the cost of providing and maintaining signs or other devices and marking lines:
 - (i) to indicate the position of pay parking areas and pay parking spaces, or
 - (ii) to indicate the places in any road within the area of operations of the parking authority concerned where a vehicle (other than a public vehicle) may park.
 - (3) All fees that a parking authority collects in respect of the operation of pay parking belong to the parking authority, subject to clause 82.
 - (4) Any surplus arising from the operation of pay parking may be applied at the discretion of the parking authority.
 - (5) A parking authority must pay to the Authority such amount as is agreed on between the Authority and the parking authority in respect of the costs referred to in subclause (2) (c).
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87 Disputes (cf STM Reg, cl 117)

- (1) Any dispute arising under this Division between a parking authority and the Authority is to be resolved by consultation between the Minister responsible for the parking authority and the Minister administering the Act or, if agreement cannot be reached, by the Premier.
- (2) Any dispute arising under this Division between 2 or more parking authorities is to be resolved:
 - (a) if the same Minister is responsible for each of those authorities, by that Minister, and
 - (b) in any other case, by consultation between the various Ministers responsible for those authorities or, if agreement cannot be reached, by the Premier.
- (3) In this clause, a reference to the Minister responsible for a parking authority is a reference to:
 - (a) in the case of a council, the Minister administering the *Local Government Act 1993*, and
 - (b) in the case of a declared organisation that is constituted by or under an Act, the Minister administering that Act, and
 - (c) in the case of a Government Department, the Minister responsible for that Department.

88 Trailers not separately chargeable (cf STM Reg, cl 118)

Nothing in this Division requires a separate parking fee to be paid for a trailer drawn by another vehicle.

89 Powers of police in emergency (cf STM Reg, cl 118A)

- (1) A police officer may, during a temporary obstruction or danger to traffic or in an emergency:
 - (a) direct a person not to cause or permit any vehicle to park in any part of a pay parking area, or
 - (b) direct the responsible person for or driver of a vehicle parking in any part of a pay parking area to remove the vehicle from that part or (if no person appears to be in charge of the vehicle) to remove the vehicle from that part.
- (2) A person must not, without reasonable excuse, fail to comply with a direction under this clause.
Maximum penalty: 20 penalty units.

Division 2 Other parking schemes

Subdivision 1 Ticket-operated loading schemes

90 Ticket-operated loading schemes (cf STM Reg, cl 119)

- (1) The Authority may establish and operate a ticket-operated loading scheme for any road.
- (2) For the purposes of any such scheme, the Authority:
 - (a) may set aside as a ticket-operated loading zone the whole or any part of any road, and
 - (b) may install loading zone ticket machines for use in connection with the scheme.

Note. Rule 179–1 of the *Road Rules 2008* makes provision for parking in ticket-operated loading zones. Clause 3 (1) defines a **ticket-operated loading zone** to have the same meaning as in that rule.

91 Loading zone tickets (cf STM Reg, cl 121)

- (1) The following information must be printed on a loading zone ticket:
 - (a) the name of the Authority as the body by or on whose behalf the ticket is issued,
 - (b) a serial number,
 - (c) instructions for use of the ticket,
 - (d) the day of the week on which the ticket is issued,
 - (e) the date (expressed as the day of the month, the month and the year) on which the ticket is issued,
 - (f) the different expiry times for heavy goods vehicles and light goods vehicles.
- (2) A loading zone ticket must be legible and of a size and design that enables it to be easily displayed in or on a goods vehicle.

92 Loading zone ticket machines and misuse of loading zone tickets (cf STM Reg, cl 121A)

- (1) Tickets issued by a loading zone ticket machine are to be free of charge.
- (2) A loading zone ticket is to differentiate between heavy goods vehicles and light goods vehicles by specifying an expiry time that:
 - (a) in relation to a heavy goods vehicle, is 30 minutes after the time of its issue, and
 - (b) in relation to a light goods vehicle, is 15 minutes after the time of its issue.

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- (3) A person must not:
- (a) deface any loading zone ticket machine or affix anything (such as advertising material) to any loading zone ticket machine, or
 - (b) intentionally cause any loading zone ticket machine to produce more than one ticket on any one occasion (except for the purpose of obtaining a ticket that is not mutilated or illegible), or
 - (c) interfere with any loading zone ticket machine, unless lawfully authorised to do so.

Maximum penalty: 20 penalty units.

- (4) A person must not display in or on a goods vehicle that is parked in a ticket-operated loading zone:
- (a) any article or thing resembling a loading zone ticket that falsely suggests that the goods vehicle is parked lawfully in the zone, or
 - (b) any loading zone ticket that is altered, defaced, mutilated or illegible.

Maximum penalty: 20 penalty units.

93 Temporary closure of ticket-operated loading zones (cf STM Reg, cl 121B)

- (1) The Authority may, if it decides that the use of a ticket-operated loading zone should be temporarily discontinued, close the zone.
- (2) A ticket-operated loading zone is closed for the purposes of subclause (1) if a sign displaying words to the effect that the zone is temporarily closed is erected in, or in close proximity to, the zone.

Subdivision 2 Special event parking schemes

94 Special event parking schemes (cf STM Reg, cl 122)

- (1) The Authority may establish and operate a special event parking scheme for any road.
- (2) For the purposes of any such scheme, the Authority may set aside as a special event parking area the whole or any part of any road.

Note. Rule 205A–1 of the *Road Rules 2008* makes provision for parking in special event parking areas. Clause 3 (1) defines a **special event parking area** to have the same meaning as in that rule.

Part 6 Parking permits and mobility parking scheme authorities

Division 1 Parking permits

95 Parking permits (cf STM Reg, cl 124)

- (1) A parking authority may issue a permit authorising the parking of a vehicle without charge or time restrictions in a parking space:
 - (a) located within a parking area or road specified in the permit, and
 - (b) designated by the parking authority for use by holders of such a permit.
- (2) The parking authority is to classify the permit in one of the following classes:
 - (a) business parking permits,
 - (b) commuter parking permits,
 - (c) resident parking permits,
 - (d) resident's visitor parking permits,
 - (e) special event parking permits,
 - (f) declared organisation parking permits.
- (3) A parking authority may issue a permit under this clause in electronic or printed form.
- (4) A permit must specify the parking area or road to which it applies, the conditions to which it is subject and:
 - (a) in the case of a resident's visitor parking permit that is a printed parking permit—the address of the resident who holds the permit, or
 - (b) in the case of any other permit—the registration number of the vehicle to which it relates.
- (5) The Authority may issue guidelines from time to time for or with respect to the issuing of printed parking permits and electronic parking permits.
- (6) A parking authority must not issue a permit except in accordance with the guidelines issued by the Authority.
- (7) For the purposes of this clause, a parking space is designated for use by a holder of a permit if the following words are displayed on, or next to, a traffic sign that designates the space as a parking space or designates the area in which the parking space is located as a parking area:

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- (a) for a declared organisation, business, commuter or special event parking permit, the words “PERMIT HOLDERS EXCEPTED”,
 - (b) for a resident or resident’s visitor parking permit, the words “PERMIT HOLDERS EXCEPTED” or “AUTHORISED RESIDENTS VEHICLES EXCEPTED”.
- (8) In this clause:
- electronic parking permit*** means a permit issued under this clause that is in electronic form.
- parking area*** means a pay parking area, permissive parking area or special event parking area.
- parking space*** means any of the following:
- (a) coupon parking space,
 - (b) permissive parking space,
 - (c) metered parking space,
 - (d) ticket parking space,
 - (e) phone parking space.
- permissive parking area*** means the part of a road to which a permissive parking sign applies.
- permissive parking space*** means a parking bay that is indicated by studs, pads, plates or strips.
- printed parking permit*** means a permit that is issued under this clause that is in printed form.

Division 2 Mobility parking scheme authorities

Subdivision 1 Interpretation

96 Definitions (cf STM Reg, cl 125)

In this Division:

holder of a scheme authority, or an expired or revoked scheme authority, means the person or organisation to whom or to which the scheme authority has been or was issued.

interstate or overseas authority means a document issued by an authority of another jurisdiction, or of a foreign country, to indicate:

- (a) that a specified person is a disabled person who has the benefit of parking concessions in that jurisdiction or country, or
- (b) that a specified vehicle is used for the purpose of conveying disabled persons and has the benefit of parking concessions in that jurisdiction or country.

mobility parking scheme means the scheme for the issue of scheme authorities set out in this Division.

organisation means a corporation or an unincorporated association of persons.

scheme authority means a mobility parking scheme authority issued under this Division.

Subdivision 2 Issue of scheme authorities

97 Authority may issue mobility parking scheme authorities (cf STM Reg, cl 126)

The Authority may, on application under this Division, issue a mobility parking scheme authority:

- (a) for use by a disabled person, or
- (b) for use by an organisation in connection with the conveyance of disabled persons.

98 Form of scheme authority (cf STM Reg, cl 126A)

- (1) A scheme authority must show:
 - (a) a unique identifying number that has been allocated by the Authority, and
 - (b) the full name of the holder of the scheme authority, and
 - (c) the category of scheme authority issued, and
 - (d) the expiry date of the scheme authority.
- (2) A scheme authority may also show any of the following:
 - (a) a photograph of the individual to whom it has been issued,
 - (b) the date of birth of the individual to whom it has been issued,
 - (c) the home, business or other address for service of the holder of the scheme authority,
 - (d) the signature (or a reproduction of the signature) of an individual to whom it has been issued,
 - (e) any other information that the Authority considers appropriate.
- (3) A scheme authority may be categorised and colour coded as follows:
 - individual authority for disabled person—blue
 - temporary authority for disabled person with temporary disability—red
 - organisational authority for the conveyance of disabled persons—green

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99 Conditions of scheme authorities (cf STM Reg, cl 126B)

- (1) A scheme authority is subject to the following conditions:
 - (a) the scheme authority must only be used in connection with the conveyance of the holder of the scheme authority, or in the case of a scheme authority issued to an organisation, in connection with the conveyance of disabled persons by or on behalf of that organisation,
 - (b) when in use, the whole of the side of the scheme authority marked “THIS SIDE UP” must be clearly displayed at the left of the vehicle’s windscreen, or on any window on the left hand (passenger) side of the vehicle, or if this is not practicable, in another part of the windscreen or other window of the vehicle,
 - (c) a scheme authority must not be used if it has been defaced or otherwise altered or where any of the personal or organisational details on the scheme authority are illegible.
- (2) A scheme authority is also subject to such other conditions as may be imposed on the holder of the scheme authority by the Authority.
- (3) A condition imposed by the Authority on a scheme authority under subclause (2) does not have effect until written notice of the condition is given to the holder of the scheme authority.

100 When scheme authority ceases to be in force (cf STM Reg, cl 126C)

A scheme authority ceases to be in force on the expiry of the scheme authority unless it is sooner revoked by the Authority under this Division.

Subdivision 3 Applications for scheme authorities and collection and use of information

101 Procedure to obtain scheme authority (cf STM Reg, cl 126D)

- (1) The applicant for a scheme authority must be:
 - (a) in the case of an application for a scheme authority for an individual—the individual or a person that the Authority is satisfied acts on behalf of the individual, or
 - (b) in the case of an application for a scheme authority for an organisation—an individual authorised in writing by the organisation (or the governing body of the organisation) to apply for the scheme authority on its behalf.
- (2) An applicant for the issue of a scheme authority must give the Authority:

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- (a) a completed application form in the form approved by the Authority, and
 - (b) particulars necessary to identify the applicant and the applicant's home or business address, including any evidence that the Authority may reasonably require to verify those particulars (for example, evidence of the person's address on the electoral roll), and
 - (c) where the applicant is making the application on behalf of an individual or organisation:
 - (i) such documents or other evidence of the applicant's authority to make the application as is specified by the application form or otherwise required by the Authority, and
 - (ii) particulars necessary to identify the individual or organisation on behalf of whom or which the application is made and the individual's or organisation's home, business or other address for service, including any evidence that the Authority may reasonably require to verify those particulars (for example, evidence of the individual's address on the electoral roll), and
 - (d) any documents or other evidence (including medical certificates) specified by the application form, and
 - (e) the fee (if any) fixed under clause 102 for the category of scheme authority sought.
- (3) The Authority may, in the case of an application for a scheme authority for an individual, require the applicant to provide, in such a form as may be specified by the Authority, evidence that satisfies the Authority that the individual is a disabled person.

102 Fees for applications for scheme authorities (cf STM Reg, cl 126E)

- (1) The Authority may, by order published in the Gazette, fix fees, or amend or revoke fees, for services provided by the Authority in connection with the issue of scheme authorities.
- (2) Without limiting subclause (1):
 - (a) different fees may be fixed for different categories of authorities, and
 - (b) different fees may be fixed for different categories of applicants.
- (3) In fixing any fee under subclause (1), the Authority must have regard to the following matters:
 - (a) the costs (or estimated costs) associated with the establishment and administration of the mobility parking scheme over such

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period as the Authority may determine (the *specified administration period*),

- (b) the actual or estimated number of applicants for scheme authorities and participants in the mobility parking scheme during the specified administration period,
 - (c) any increases in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.
- (4) The Authority may in a particular case waive the requirement for a fee or reduce a fee.

103 Surrender of current or expired scheme authority if new authority obtained (cf STM Reg, cl 126F)

- (1) If an applicant for a scheme authority holds a current scheme authority or possesses an expired scheme authority, the applicant must surrender that authority to the Authority before the issue of a new scheme authority.
- (2) Despite subclause (1), the Authority may exempt a person from surrendering a current or expired scheme authority if the Authority is satisfied that it would be unreasonable, in the circumstances, to require that authority to be surrendered.

104 Information about eligibility for and use of scheme authority (cf STM Reg, cl 126FA)

The Authority may at any time, by notice in writing, require the holder of a scheme authority to provide, in such a form as may be specified in the notice, evidence that satisfies the Authority of either or both of the following:

- (a) that the scheme authority has not been misused in the manner or circumstances described in the notice,
- (b) if the holder is an individual, that the individual is a disabled person.

105 Evidence of disability (cf STM Reg, cl 126FB)

For the purposes of satisfying itself under clause 101 (3) or 104 (b) that an individual is a disabled person, the Authority may require the individual:

- (a) to be examined by a specified medical practitioner or a medical practitioner belonging to a specified class of medical practitioners, and
- (b) to authorise any such medical practitioner to provide the Authority with such information as the Authority may require in relation to the individual's disability.

106 Information collected under Subdivision (cf STM Reg, cl 126FC)

- (1) The Authority may collect, retain, use and disclose any information provided under this Subdivision for the purposes of carrying out its functions under this Division, or for the prosecution of an offence against this Division.
- (2) Despite subclause (1), evidence provided under clause 104 (a) may not be used to prosecute a person who provides the evidence for an offence other than an offence in respect of the falsity of the evidence.

Subdivision 4 Photographs**107 Authority may require the taking of photographs** (cf STM Reg, cl 126G)

- (1) The Authority may (but need not) require an applicant for a scheme authority to have his or her photograph taken.
- (2) However, the Authority must not require an applicant for a scheme authority to have his or her photograph taken if the Authority is satisfied:
 - (a) the applicant is under 16 years of age, or
 - (b) the applicant suffers from a significant facial disfigurement, or
 - (c) the applicant cannot attend a motor registry to be photographed because of the severity of the applicant's disabilities.
- (3) For the purposes of making a determination under subclause (2) (b) or (c), the Authority may require the applicant to provide supporting documentation from a medical practitioner.

108 Purposes for which photographs may be kept and used (cf STM Reg, cl 126H)

- (1) A photograph of a person taken for the purposes of this Division may be kept and used by the Authority only for one or more of the following purposes:
 - (a) to reproduce the likeness of the person on a scheme authority,
 - (b) to assist in determining the identity of the person in connection with an application for a new scheme authority,
 - (c) for the purpose of investigating the commission of, or conducting criminal proceedings for, an offence concerning parking or a scheme authority,
 - (d) any purpose for which a photograph to which Part 3.5 (Protection of stored photographs) of the Act applies may be kept and used by the Authority under that Part,

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- (e) any purpose for which a photograph to which Part 4 (Security arrangements for photographs) of the *Photo Card Act 2005* applies may be kept and used by the Authority under that Part.
- (2) A photograph may be used for a purpose set out in this clause at the time that the photograph is provided or taken or at any later time.

109 Release of photographs prohibited (cf STM Reg, cl 126I)

- (1) The Authority must ensure that a photograph taken for the purposes of this Division, and any photographic image or other matter contained in any database of such photographs, is not released except:
 - (a) to the NSW Police Force, or
 - (b) to an authority of another jurisdiction or a foreign country that has responsibility for issuing interstate or overseas authorities or for the enforcement of parking offences, or
 - (c) for the purpose of the conduct of any criminal proceedings for an offence concerning parking or a scheme authority, or
 - (d) to the Sheriff, for the purpose of any fine recovery proceedings, or
 - (e) as provided under any other law, or
 - (f) to the person whose likeness is shown in the photograph or on the database.
- (2) Any release authorised by subclause (1) (a)–(d) must be in accordance with any protocol approved by the Privacy Commissioner.

Subdivision 5 Use of scheme authorities

110 Relaxation of parking restrictions (cf STM Reg, cl 126J)

Rule 206 of the *Road Rules 2008* extends the period during which a vehicle displaying a scheme authority may be parked on a road, or in an area, to which a permissive parking sign applies when the vehicle is being used for:

- (a) the conveyance of the disabled person to whom the scheme authority was issued, or
- (b) the conveyance of disabled persons by the organisation to which the scheme authority was issued.

111 Improper use of scheme authorities (cf STM Reg, cl 126K)

- (1) A person in charge of a vehicle must not display a scheme authority in or on the vehicle in contravention of any condition of the scheme authority.

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- (2) The holder of a scheme authority must not permit another person to have possession of, or access to, the scheme authority if the holder suspects or should reasonably suspect that the other person will use the scheme authority in contravention of any condition of the scheme authority.

Maximum penalty: 20 penalty units.

112 Reproducing, copying, defacing, altering or destroying scheme authorities (cf STM Reg, cl 126L)

A person must not, without the permission of the Authority, reproduce, copy, deface, alter or destroy a scheme authority.

Maximum penalty: 20 penalty units.

113 Return of scheme authorities issued to individuals who have ceased to be disabled persons (cf STM Reg, cl 126M)

An individual who holds a scheme authority and who ceases to be a disabled person during the currency of the authority must, as soon as is reasonably practicable after ceasing to be a disabled person, return the scheme authority to the Authority.

Maximum penalty: 20 penalty units.

114 Production and confiscation of scheme authorities (cf STM Reg, cl 126N)

- (1) An authorised officer may direct the person in charge of a vehicle that is displaying a scheme authority or an interstate or overseas authority (or a document or other thing that purports to be such an authority) to remove the authority, document or thing from the vehicle and give it to the officer if:
- (a) the vehicle is stopped in a parking area for people with disabilities (within the meaning of rule 203 of the *Road Rules 2008*), or
 - (b) the vehicle is parked contrary to a permissive parking sign.
- (2) An authorised officer to whom a scheme authority is given may do any one or more of the following:
- (a) inspect the scheme authority,
 - (b) request and inspect the identification of the person in charge of the vehicle for the purpose of confirming that person's identity,
 - (c) if the authorised officer has reasonable grounds to suspect that the scheme authority:
 - (i) is not being used by the holder of the scheme authority, or
 - (ii) is being used contrary to the conditions of the scheme authority, or

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- (iii) has expired,
confiscate the scheme authority.
- (3) If a scheme authority is confiscated under this clause, the Authority must determine whether to revoke the scheme authority in accordance with clause 116.
- (4) A person to whom a direction is given under subclause (1) must immediately comply with that direction.
Maximum penalty: 20 penalty units.
- (5) In this clause, *authorised officer* means:
 - (a) a police officer, or
 - (b) an authorised officer within the meaning of Division 2 of Part 7 (other than an officer referred to in Schedule 4 as a Class 3 officer or a Class 4 officer).

Subdivision 6 Expiry and revocation of scheme authorities

115 Expiry of scheme authorities (cf STM Reg, cl 126O)

- (1) A scheme authority expires at the end of the day that is specified on the scheme authority as the expiry date for the authority.
- (2) The Authority may, by written notice given to the holder of an expired scheme authority, require the holder of the expired scheme authority to return it to the Authority.
Note. Section 276 of the Act makes provision for how notices to individuals and corporations under this Regulation may be given or served by the Authority. Clause 8 makes provision for how notices to unincorporated associations for the purposes of this Division may be given or served by the Authority.
- (3) If a notice referred to in subclause (2) is given in relation to an expired scheme authority:
 - (a) where the holder of the expired scheme authority is an individual or an organisation that is incorporated—the individual or organisation must immediately return it to the Authority as soon as is reasonably practicable after receiving the notice, or
 - (b) where the holder of the expired scheme authority is an organisation that is unincorporated—the person in possession of the expired authority must immediately return it to the Authority as soon as is reasonably practicable after becoming aware that the notice has been given.

Maximum penalty (subclause (3)): 20 penalty units.

116 Revocation of scheme authorities (cf STM Reg, cl 126P)

- (1) The Authority may at any time revoke a scheme authority:
 - (a) for a failure to comply with the conditions of the scheme authority, or
 - (b) for any other misuse of the scheme authority, or
 - (c) for a failure by the holder of the scheme authority to comply with a requirement of the Authority under clause 104 or 105, or
 - (d) for any other reason.
- (2) If the Authority decides to revoke a scheme authority, the Authority must give the holder of the scheme authority written notice of:
 - (a) the reasons for the proposed revocation, and
 - (b) the action (if any) that must be taken by the holder of the scheme authority in order to avoid or reverse the revocation, and
 - (c) the right of the holder to appeal to the Local Court against the decision to revoke the scheme authority, and

Note. See Part 7.8 of the Act and clause 130 with respect to appeals to the Local Court against revocations of scheme authorities.
 - (d) the date after service of the notice on which the revocation takes effect.

Note. Section 276 of the Act makes provision for how notices to individuals and corporations under this Regulation may be given or served by the Authority. Clause 8 makes provision for how notices to unincorporated associations for the purposes of this Division may be given or served by the Authority.
- (3) A notice under subclause (2) must also state that the holder of the scheme authority will no longer be authorised to use the scheme authority on its revocation.
- (4) A scheme authority is revoked in accordance with the terms of a notice given under this clause unless the Authority, by further written notice to the holder of the scheme authority, withdraws the notice.
- (5) The Authority may decide to revoke a scheme authority without the holder of the scheme authority having been provided with an opportunity to show cause why the scheme authority should not be revoked.
- (6) If a scheme authority is revoked:
 - (a) where the holder of the revoked scheme authority is an individual or an organisation that is incorporated—the individual or organisation must return it to the Authority as soon as is reasonably practicable after the revocation, or
 - (b) where the holder of the revoked scheme authority is an organisation that is unincorporated—the person in possession of

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the scheme authority must return it to the Authority as soon as is reasonably practicable after becoming aware of the revocation.

Maximum penalty: 20 penalty units.

- (7) If a scheme authority has been confiscated under clause 114 and the Authority decides not to revoke the scheme authority under this clause, the Authority must return the scheme authority to its holder as soon as is reasonably practicable.

Part 7 Compliance and enforcement

Division 1 Criminal responsibility

117 Determination of criminal responsibility (cf Gen Reg, cl 178; STM Reg, cl 153A (1)–(3))

(1) Application of Commonwealth Criminal Code

Subject to this clause, Chapter 2 of the *Criminal Code* set out in the Schedule to the *Criminal Code Act 1995* of the Commonwealth (the ***Commonwealth Criminal Code***) applies to an offence against this Regulation as if the Chapter were in force as a law of New South Wales.

Note. Chapter 2 of the Commonwealth Criminal Code codifies the general principles of criminal responsibility.

(2) Offences are strict liability offences

An offence against this Regulation is a strict liability offence for the purposes of Chapter 2 of the Commonwealth Criminal Code (as applied by subclause (1)), except where this Regulation expressly provides otherwise.

(3) General defence of accident or reasonable effort

Without limiting any defence under Chapter 2 of the Commonwealth Criminal Code (as applied by subclause (1)), a person is not liable to a penalty for any offence against this Regulation if the person proves to the satisfaction of the court dealing with the case that the offence:

- (a) was the result of an accident, or
- (b) could not have been avoided by any reasonable efforts on the person's part.

118 Operation of Crimes (Sentencing Procedure) Act 1999 not affected

Nothing in this Regulation affects the application of the *Crimes (Sentencing Procedure) Act 1999* in relation to this Regulation (particularly, Divisions 4 and 5 of Part 2 of that Act).

Note. Divisions 4 and 5 of Part 2 of the *Crimes (Sentencing Procedure) Act 1999* contain provisions relating to how offence provisions are to be interpreted. For instance, section 17 of that Act defines the amount of a penalty unit. Similarly, section 18 of that Act sets out rules for interpreting provisions in legislation that impose penalties.

119 No double jeopardy for offence against this Regulation and the Road Rules 2008 (cf STM Reg, cl 153B)

If an act or omission constitutes an offence against this Regulation and the *Road Rules 2008*, the offender is not liable to be punished twice in respect of the offence.

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Part 7 Compliance and enforcement

120 Prescribed ground of exculpation in relation to average speed detection: section 129 (2) of Act (cf STM Reg, cl 160A)

- (1) It is a prescribed ground of exculpation for the purposes of section 129 (2) of the Act in relation to a driver of a heavy vehicle (the *driver concerned*) involved in a speeding offence if:
 - (a) any other driver of the heavy vehicle:
 - (i) has been convicted, or found guilty, of the speeding offence, or
 - (ii) has paid the whole or any part of the penalty specified in a penalty notice issued to the other driver in respect of the speeding offence, or
 - (iii) has not paid the penalty specified in a penalty notice issued to the other driver in respect of the speeding offence, has not elected to have the matter dealt with by a court and the time for the other driver to have the matter so dealt with has lapsed, and
 - (b) the driver concerned gives the State Debt Recovery Office a statutory declaration made by the driver that states that the driver obeyed all of the speed limits that applied to the driver while he or she was the driver of the vehicle.
- (2) A reference to speed limits in subclause (1) (b) does not include an average speed limit calculated in accordance with Division 3 of Part 5.3 of the Act.

Division 2 Penalty notice offences

121 Definitions (cf Gen Reg, cl 168)

- (1) In this Division and Schedule 5:
 - authorised officer* means an officer of a class referred to in Schedule 4, being a person who satisfies the criteria specified in that Schedule in respect of an officer of that class.
 - average speed detection zone* means a length of road to which an average speed detection zone sign applies, being a length of road beginning at an average speed detection zone sign and ending 300 metres along the length of road in the direction driven by a driver on the road who faces the sign before passing it.
 - average speed detection zone sign* means a traffic sign bearing the words "AVERAGE SPEED".
 - class A motor vehicle* means:
 - (a) a motor vehicle with a GVM not exceeding 4.5 tonnes, or

- (b) a motor vehicle and trailer combination with a GCM not exceeding 4.5 tonnes.

class B motor vehicle means:

- (a) a motor vehicle with a GVM exceeding 4.5 tonnes but not exceeding 12 tonnes, or
- (b) a motor vehicle and trailer combination with a GCM exceeding 4.5 tonnes but not exceeding 12 tonnes.

class C motor vehicle means:

- (a) a motor vehicle with a GVM exceeding 12 tonnes, or
- (b) a motor vehicle and trailer combination with a GCM exceeding 12 tonnes.

heavy motor vehicle means:

- (a) a motor vehicle with a GVM exceeding 13.9 tonnes, or
- (b) a motor vehicle and trailer combination with a GCM exceeding 13.9 tonnes.

Safe-T-Cam sign means a traffic sign bearing the words "SAFE-T-CAM MANAGING SPEED AND FATIGUE".

Safe-T-Cam zone means a length of road to which a Safe-T-Cam sign applies, being a length of road beginning at a Safe-T-Cam sign and ending 300 metres along the length of road in the direction driven by a driver on the road who faces the sign before passing it.

- (2) The persons referred to in Schedule 4 are prescribed as authorised officers for the purposes of paragraph (c) of the definition of **authorised officer** in section 4 (1) of the Act, but only in relation to the functions conferred on authorised officers by section 195 of the Act.
- (3) Words and expressions that are used in Schedule 4 in connection with a provision of an Act or instrument have the same meanings in that Schedule as they have in that provision.

122 Penalty notice offences (cf Gen Reg, cl 169)

- (1) For the purposes of section 195 of the Act:
 - (a) each offence:
 - (i) that is created by a provision specified in Column 1 of Schedule 5, and
 - (ii) for which an amount of penalty is specified in Column 3 of Schedule 5,
 is declared to be a penalty notice offence, and

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- (b) the authorised officers for such an offence are officers of the class or classes specified in relation to the offence in Column 2 of Schedule 5, and
 - (c) subject to subclause (2), the prescribed penalty for such an offence is the amount of penalty specified in relation to the offence in Column 3 of Schedule 5.
- (2) The amount of the prescribed penalty for a camera recorded offence of a kind referred to in section 184 (2) of the Act of which a corporation is taken to be guilty under section 184 (1) of the Act is 5 times the amount specified in Schedule 5 as the penalty amount for the offence unless a lesser amount is specified in that Schedule for the offence when it is committed by a corporation.
- (3) If the reference to a provision in Column 1 of Schedule 5 is qualified by words that restrict its operation to specified kinds of offences or to offences committed in specified circumstances, an offence created by the provision is a penalty notice offence only if it is an offence of a kind so specified or is committed in the circumstances so specified.
- (4) Despite subclause (1) (b):
- (a) an authorised officer who is an officer or employee of a council may exercise the functions of an authorised officer only within the local government area of that council, and
 - (b) an authorised officer who is an officer or employee of a declared organisation may exercise the functions of an authorised officer only within the area of operations of that organisation.
- (5) Subclause (4) does not prevent an authorised officer who is an officer or employee of a council or declared organisation from exercising the functions of an authorised officer:
- (a) in the local government area of some other council, or
 - (b) in the area of operations of some other declared organisation, under an arrangement entered into between the bodies concerned in relation to the exercise of those functions within those areas.

Note. Subclause (1) (b) prescribes those persons who are to be authorised officers for the purposes of section 195 of the Act (that is, those persons who may issue penalty notices for the penalty notice offences prescribed by subclause (1) (a)). Under section 195 (1), police officers are empowered to issue penalty notices for all such offences.

123 Penalty levels (cf Gen Reg, cl 170)

For the purposes of this Regulation, penalty amounts are expressed in terms of the following levels:

Level 1 means a penalty of \$66.

Level 2 means a penalty of \$99.

Level 2A means a penalty of \$105.

Level 3 means a penalty of \$165.

Level 3A means a penalty of \$173.

Level 4 means a penalty of \$232.

Level 4A means a penalty of \$243.

Level 5 means a penalty of \$298.

Level 5A means a penalty of \$313.

Level 6 means a penalty of \$397.

Level 6A means a penalty of \$417.

Level 7 means a penalty of \$496.

Level 7A means a penalty of \$521.

Level 8 means a penalty of \$596.

Level 8A means a penalty of \$626.

Level 9 means a penalty of \$762.

Level 9A means a penalty of \$799.

Level 10 means a penalty of \$960.

Level 10A means a penalty of \$1,008.

Level 11 means a penalty of \$1,191.

Level 11A means a penalty of \$1,251.

Level 12 means a penalty of \$1,258.

Level 12A means a penalty of \$1,321.

Level 13 means a penalty of \$1,556.

Level 14 means a penalty of \$2,052.

Level 14A means a penalty of \$2,154.

Level 15 means a penalty of \$2,187.

Level 15A means a penalty of \$2,296.

Level 16 means a penalty of \$3,111.

Level 16A means a penalty of \$3,267.

Level 17 means a penalty of \$3,374.

Level 17A means a penalty of \$3,543.

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

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Part 7 Compliance and enforcement

124 Offence—unlawful destruction of penalty notices (cf Gen Reg, cl 171)

A person must not, without lawful excuse, remove or deface, destroy or otherwise damage any penalty notice left on or attached to a motor vehicle or trailer under Division 3 of Part 7.3 of the Act.

Maximum penalty: 20 penalty units.

Part 8 Appeals

Division 1 Preliminary

125 Definitions (cf Gen Reg, cl 11)

In this Part:

examiner's authority has the same meaning as in the *Road Transport (Vehicle Registration) Regulation 2007*.

proprietor's authority has the same meaning as in the *Road Transport (Vehicle Registration) Regulation 2007*.

Division 2 Additional appealable decisions

126 Driver licensing decisions (cf Gen Reg, cl 18 (1) and (3) and 25 (2))

Each of the following classes of decisions is prescribed for the purposes of paragraph (l) of the definition of *appealable decision* in section 266 (1) of the Act:

- (a) a decision of the Authority not to take into account, under clause 41 (3) of the *Road Transport (Driver Licensing) Regulation 2008*, some or all of the period that a person has held a licence to drive a motor vehicle in another jurisdiction or another country,
- (b) a decision of the Authority to vary a person's driver licence under clause 47 or 55 of the *Road Transport (Driver Licensing) Regulation 2008*,
- (c) a decision of the Authority to suspend or cancel a person's driver licence under clause 24, 29 or 55 of the *Road Transport (Driver Licensing) Regulation 2008*,
- (d) a decision of the Authority, based on an opinion formed by the Authority under clause 99 (4) (f) or (g) of the *Road Transport (Driver Licensing) Regulation 2008*, that a person has ceased to be exempt from the requirements of the driver licensing law,
- (e) a decision of the Authority to revoke an approval (within the meaning of Part 10 (Interlock driver licences and devices) of the *Road Transport (Driver Licensing) Regulation 2008*) of a person.

127 Vehicle registration decisions (cf Gen Reg, cl 13 (1), 15 (1), 28 (1) (a) and (6) and 29B (1))

Each of the following classes of decisions is prescribed for the purposes of paragraph (l) of the definition of *appealable decision* in section 266 (1) of the Act:

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Clause 128 Road Transport (General) Regulation 2013

Part 8 Appeals

- (a) a decision of the Authority under the *Road Transport (Vehicle Registration) Regulation 2007* to refuse to issue an examiner's authority or a proprietor's authority to a person or to suspend or cancel such an authority of a person (being a decision notified to the person under clause 64 of that Regulation),
- (b) a decision of the Authority to suspend the operation of clause 9 or 11 of Schedule 1 to the *Road Transport (Vehicle Registration) Regulation 2007* in relation to a registrable vehicle,
- (c) any of the following decisions of the Authority under Part 5A of the *Road Transport (Vehicle Registration) Regulation 2007*:
 - (i) a decision to cancel a compliance certificate,
 - (ii) a decision to refuse an application for a certifier's licence or for the renewal or variation of a certifier's licence (but not a decision to refuse an application for a licence on the ground that the Authority is of the opinion that the person is not a fit and proper person to hold such a licence),
 - (iii) a decision to cancel or suspend a certifier's licence or vary a certifier's licence or the term of a certifier's licence (but not a decision to impose or vary a condition on all certifier's licences or a decision under clause 76AK of that Regulation to immediately suspend a certifier's licence),
- (d) a decision of the Authority under the *Road Transport (Vehicle Registration) Regulation 2007* to vary, suspend or cancel a registered operator's accreditation under an accreditation scheme under Division 6 of Part 5 of that Regulation (being a decision the internal review of which has been finalised under clause 76 of that Regulation).

128 Mass Management Accreditation Scheme decisions (cf Gen Reg, cl 28 (1) (b) and (6))

A decision of the Authority under the *Road Transport (Mass, Loading and Access) Regulation 2005* to vary, suspend or cancel a registered operator's or vehicle's accreditation under the Mass Management Accreditation Scheme under Part 6 of that Regulation is prescribed for the purposes of paragraph (1) of the definition of ***appealable decision*** in section 266 (1) of the Act (being a decision the internal review of which has been finalised under clause 72 of that Regulation).

129 Heavy vehicle driver fatigue decisions (cf Gen Reg, cl 140 (1))

A decision of the Authority to which Subdivision 3 of Division 6 of Part 6 of the *Road Transport (Vehicle and Driver Management) Regulation 2005* applies is prescribed for the purposes of paragraph (1) of the definition of ***appealable decision*** in section 266 (1) of the Act.

130 Mobility parking scheme decisions (cf Gen Reg, cl 29A (1))

A decision of the Authority to revoke a mobility parking scheme authority of a person is prescribed for the purposes of paragraph (1) of the definition of *appealable decision* in section 266 (1) of the Act.

131 Decisions excluded from definition of “appealable decision” (cf Gen Reg, cl 18 (1) (b) and (2))

For the purposes of section 266 (3) (b) of the Act, each of the following decisions is excluded from the definition of *appealable decision* in that section:

- (a) a decision of the Authority made on the basis of the ground referred to in clause 46 (2) (d) of the *Road Transport (Driver Licensing) Regulation 2008*,
- (b) a decision of the Authority to cancel a person’s interlock driver licence under the *Road Transport (Driver Licensing) Regulation 2008*.

Division 3 Notification of appeal rights and giving of reasons concerning driver licensing decisions**132 Definition**

In this Division:

affected driver means any of the following:

- (a) an applicant for a driver licence,
- (b) the holder of an Australian driver licence,
- (c) the holder of a foreign driver licence (within the meaning of Part 5.1 of the Act).

133 Notification of appeal rights with respect to certain driver licensing decisions (cf Gen Reg, cl 17)

If an affected driver is eligible to appeal to the Local Court under Part 7.8 of the Act against a decision of the Authority made under the driver licensing law, the Authority must notify the affected driver of the driver’s right to appeal at the time that the Authority notifies the driver of its decision.

134 Affected driver entitled to be given reasons on request (cf Gen Reg, cl 19)

- (1) An affected driver who is entitled to appeal to the Local Court under Part 7.8 of the Act against a decision of the Authority made under the driver licensing law may apply to the Authority for written reasons for the decision.

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Clause 135 Road Transport (General) Regulation 2013

Part 8 Appeals

- (2) Within 14 days after receiving an application under this clause, the Authority must provide to the applicant:
 - (a) a written statement of the decision and written reasons for the decision, and
 - (b) information as to the identity or position in the Authority of the person who made the decision.
- (3) An application for reasons may be made before or during the period in which an affected driver may lodge a notice of appeal under section 267 of the Act.
- (4) An affected person cannot make an application under this clause if the Authority has already provided the person with the details referred to in subclause (2).

Division 4 Stays and adjournments

135 Stay of certain appealable decisions pending appeal (cf Gen Reg, cl 21 and 24)

- (1) A *relevant decision* for the purposes of this clause is any of the following kinds of decision:
 - (a) a decision of a police officer to give an immediate licence suspension notice,
 - (b) a decision of the Authority to suspend, vary or cancel a driver licence under the Act on any ground other than medical unfitness or incompetence to drive a motor vehicle,
 - (c) a decision of the Authority that an exemption under the Act from a requirement to hold a driver licence no longer applies to a person,
 - (d) a decision of the Authority of the kind referred to in clause 127 (c),
 - (e) a decision of the Authority to suspend or cancel an examiner's authority or proprietor's authority,
 - (f) a decision of the Authority under the *Road Transport (Vehicle Registration) Regulation 2007* to cancel a registered operator's accreditation under an accreditation scheme within the meaning of that Regulation,
 - (g) a decision of the Authority under Part 6 of the *Road Transport (Mass, Loading and Access) Regulation 2005* to cancel a registered operator's or vehicle's accreditation under the Mass Management Accreditation Scheme within the meaning of that Regulation.

-
- (2) If a person appeals to the Local Court against a relevant decision, the decision has effect:
- (a) only if the Local Court hearing the appeal confirms the decision or the appeal is withdrawn, and
 - (b) subject to any variation of the decision by the Local Court, and
 - (c) on and from the date on which the Local Court confirms the decision or on such later date as the Local Court may order or, if the appeal is withdrawn, on the date on which it is withdrawn.
- (3) If a person appeals to the Local Court against a decision of a police officer to give the person a suspension notice under section 224 of the Act, the Local Court may make an order staying the decision, but only in exceptional circumstances.
- (4) In determining exceptional circumstances for the purposes of subclause (3), the Local Court is to take into account each of the following:
- (a) the strength of the prosecution evidence,
 - (b) the affected person's need for a licence,
 - (c) the potential danger to the community if an order is made,
 - (d) any other matter that the Local Court considers to be relevant.

136 Adjourment of certain proceedings (cf Gen Reg, cl 20 (5) and 23 (4))

- (1) If in any appeal concerning a decision of the Authority about a licence it appears to the Local Court that:
- (a) the licence is affected by another decision of the Authority as well as the one under appeal in those proceedings, and
 - (b) the appellant has commenced or intends to commence appeal proceedings under the Act in respect of that other decision,
- the Court may adjourn the appeal proceedings pending hearing of that other appeal or so that both appeals may be heard together.
- (2) If in any appeal concerning a decision of a police officer to issue a suspension notice under section 224 of the Act it appears to the Court that:
- (a) the licence of the appellant is affected by a decision of the Authority as well, and
 - (b) the appellant has commenced or intends to commence appeal proceedings under the Act in respect of that other decision,
- the Court may adjourn the appeal proceedings pending hearing of that other appeal or so that both appeals may be heard together.

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Clause 137 Road Transport (General) Regulation 2013

Part 8 Appeals

Division 5 Determination of certain appeals

137 Additional matters that Local Court may take into account in suspension notice appeals (cf Gen Reg, cl 16 (4))

The Local Court may, in determining an appeal against the suspension of registration of a motor vehicle under section 243 of the Act, take into account whether or not the registered operator of the motor vehicle:

- (a) knew, or could reasonably be expected to have known, that the motor vehicle had been used or was likely to be used in connection with a sanctionable offence within the meaning of Part 7.6, or
- (b) knew, or could reasonably be expected to have known, that a suspension warning notice had been given in respect of the vehicle, or
- (c) had consented to the use of the vehicle or had taken all reasonable steps to prevent any person using the vehicle without consent.

138 Document that may be used in examiner's and proprietor's authorities appeals (cf Gen Reg, cl 13 (6))

A report furnished under clause 63 of the *Road Transport (Vehicle Registration) Regulation 2007* to the Authority, and certified by the Authority to have been so furnished, is to be admitted in evidence in proceedings before the Local Court in respect of an appeal in relation to a decision of the class referred to in clause 127 (a) as evidence of the contents of the report.

139 Determination of driver licence suspension appeals involving death or grievous bodily harm (cf Gen Reg, cl 20 (2) and (3))

- (1) The Local Court may allow an appeal against a decision to suspend a person's driver licence under the *Road Transport (Driver Licensing) Regulation 2008* on the grounds referred to in clause 55 (2) of that Regulation only if the Court is satisfied:
 - (a) that there is nothing in the person's medical condition to suggest that the person is, or will again become, incapable of controlling a motor vehicle, and
 - (b) that the incident that led to the suspension of the licence:
 - (i) was caused by something other than the person's medical condition at the time, or
 - (ii) was caused by the person's medical condition at that time, being a condition to which the person is no longer subject.
- (2) The fact that a person has been acquitted of an offence arising out of the incident that led to the suspension of the person's driver licence,

following the person's allegation that the incident was caused by the person's medical condition at that time, is irrelevant to the Local Court's consideration of the matters referred to in subclause (1) (b).

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Clause 140 Road Transport (General) Regulation 2013

Part 9 Miscellaneous

Part 9 Miscellaneous

140 Delegation of Authority's licensing and registration functions

- (1) For the purposes of section 273 (1) (b) of the Act, the following persons (or classes of persons) are prescribed with respect to the delegation of any or all of the licensing and registration functions of the Authority:
 - (a) a statutory corporation or an officer or employee of a statutory corporation,
 - (b) the holder of a statutory office,
 - (c) a member of staff of the Government Service,
 - (d) a local council or an officer or employee of a local council,
 - (e) any other person who, in the opinion of the Authority, has appropriate qualifications for the exercise of the function to be delegated.
- (2) The *licensing and registration functions* of the Authority are:
 - (a) the functions of the Authority under Chapter 3 of the Act and the *Road Transport (Driver Licensing) Regulation 2008*, and
 - (b) the functions of the Authority under Chapter 4 of the Act and the *Road Transport (Vehicle Registration) Regulation 2007*.

141 Fees for information from records of Authority (cf Gen Reg, cl 175)

- (1) The Authority may issue information from its records (including a certificate under section 257 of the Act) on the payment of the fee prescribed by Schedule 1.
- (2) The Authority may waive the fee referred in subclause (1) if it is satisfied that the payment of the fee would result in undue hardship to the person seeking access to information.

142 Prescribed speeding offences (cf Gen Reg, cl 172)

The following offences are prescribed for the purposes of the definition of *prescribed speeding offence* in section 4 (1) of the Act:

- (a) in relation to section 204 (4) (a) of the Act—a speeding offence within the meaning of rule 10–2 of the *Road Rules 2008*, or
- (b) in relation to section 216 (1) (a) (ii) of the Act—a speeding offence within the meaning of rule 10–2 of the *Road Rules 2008* committed in the circumstances referred to in rule 10–2 (3) of those Rules.

143 Removal of unattended vehicles: section 143 (cf STM Reg, cl 155)

- (1) The following are prescribed for the purposes of the definition of *prescribed place* in section 143 (12) of the Act:
 - (a) a bus lane within the meaning of the *Road Rules 2008*,
 - (b) a freeway within the meaning of the *Road Rules 2008*,
 - (c) a T-Way lane within the meaning of the *Road Rules 2008*,
 - (d) a length of road to which a clearway sign applies as referred to in rule 176 of the *Road Rules 2008*,
 - (e) a transit lane within the meaning of the *Road Rules 2008*.
- (2) For the purposes of section 143 of the Act, the prescribed tow-away charge is \$180.

144 Removal of dangers and obstructions to traffic (cf STM Reg, cl 157)

For the purposes of section 142 (3) of the Act, the general manager of a council of a local government area is a prescribed person in relation to the issue of a certificate referred to in that subsection.

145 Offence—failure to comply with order, notice, direction, requirement or request (cf Gen Reg, cl 176; STM Reg, cl 158)

- (1) A person who fails, without reasonable excuse, to comply with any order, notice, direction, requirement or request given or made to the person under this Regulation or the *Road Rules 2008* is guilty of an offence.
Maximum penalty: 20 penalty units.
- (2) A person is not liable to be punished for an offence against subclause (1) for a failure to comply with an order, notice, direction, requirement or request given or made to the person under this Regulation or the *Road Rules 2008* if the person is liable to be punished for an offence in respect of the same failure to comply under another provision of this Regulation or the *Road Rules 2008*.
Note. The offence in clause 89 (2) is an example of an offence to which subclause (2) above might apply.

146 Offence—false or misleading information (cf Gen Reg, cl 177; STM Reg, cl 159)

A person must not, in purported compliance with any provision of this Regulation or the *Road Rules 2008*, provide information that the person knows to be false or misleading in a material particular.

Maximum penalty: 20 penalty units.

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Clause 147 Road Transport (General) Regulation 2013

Part 9 Miscellaneous

147 Certain provisions not to apply to light rail vehicles (cf STM Reg, cl 160)

Any provision of this Regulation with which a driver of a light rail vehicle could not reasonably comply (having regard to the fixed tracks on which a light rail vehicle travels, the route taken by those tracks and other exigencies of that method of travel) is taken not to apply to the driver.

148 Savings and transitional provisions

- (1) In this clause, the *former regulations* are:
 - (a) the *Road Transport (General) Regulation 2005* as in force immediately before the commencement of this Regulation, and
 - (b) the *Road Transport (Safety and Traffic Management) Regulation 1999* as in force immediately before the commencement of this Regulation.
- (2) Any act, matter or thing that, immediately before the commencement of this Regulation, had effect under a provision of the former regulations continues to have effect under this Regulation in relation to any provision of this Regulation that corresponds (or substantially corresponds) with the provision in the former regulations.
- (3) Without limiting subclause (2), any authority, order, notice, declaration, exemption, approval, authorisation, appointment, guidelines, permit or permission given, made or granted by a person that was in force or in effect under a provision of the former regulations (the *former provision*) continues in force or in effect (subject to any relevant conditions to which it was subject) under the provision (if any) of this Regulation that corresponds (or substantially corresponds) with the former provision until it is repealed, revoked or replaced under this Regulation.

Schedule 1 Fees

(Clauses 5, 48 and 141)

Fee category	Provision prescribing fee	Amount payable (\$)
1 Access to information contained in database of declarations and orders maintained under section 22 of the Act	clause 5 (1)	20
2 Daily storage fee for an impounded motor vehicle under section 250 of the Act	clause 48	19
3 Issue of information from records of the Authority (including certificates and other documents issued under section 257 of the Act)	clause 141	20

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Road Transport (General) Regulation 2013

Schedule 2 Declared organisations

Schedule 2 Declared organisations

(Clause 3 (1))

Column 1	Column 2	Column 3
Declared organisation	Area of operations	Responsible Minister
Centennial Park and Moore Park Trust	<p>Centennial Park (being that part of Woollahra, Waverley, Randwick and Sydney bounded by, but not including, Oxford Street, York Road, Darley Road, Alison Road, Dacey Avenue, South Dowling Street, Flinders Street and Moore Park Road).</p> <p>Moore Park (being that part of Randwick and Sydney south of Dacey Avenue and bounded by, but not including, Dacey Avenue, Anzac Parade and South Dowling Street).</p>	
Charles Sturt University	<p>Bathurst campus (being that part of Bathurst bounded by, but not including, Panorama Avenue, Browning Street and Research Station Drive).</p> <p>Albury City campus (being that part of Albury bounded by, but not including, Olive Street, Wilson Street, David Street and Guinea Street).</p> <p>Thurgoona campus (being that part of Albury bounded by, but not including, Old Sydney Road, Thurgoona Drive, Shutter Avenue and Elizabeth Mitchell Drive).</p> <p>Wagga Wagga agricultural campus (being that part of Wagga Wagga bounded by, but not including, Farrer Road, Boorooma Street, Estella Road and Pine Gully Road).</p> <p>Wagga Wagga city campus (being that part of Wagga Wagga bounded by Fernleigh Road, Hely Avenue, Charleville Road and Urana Street).</p>	
Darling Harbour Authority	<p>The Darling Harbour Development Area (being that part of Sydney bounded by, but not including, King Street, Sussex Street, Harbour Street, Hay Street, Ultimo Road, Darling Drive, Pier Street, Harris Street, Allen Street and Murray Street).</p>	

Road Transport (General) Regulation 2013

Declared organisations

Schedule 2

Column 1	Column 2	Column 3
Declared organisation	Area of operations	Responsible Minister
Hunter New England Local Health District	<p>Rankin Park campus (being Lots 1, 2 and 4, DP 839929 and Lots 131 and 132, DP 1053492).</p> <p>James Fletcher Hospital (being Lot 1, DP 10969317 and Lot 10, DP 1087691).</p> <p>Belmont Hospital (being Lots 12 and 13, DP 848759).</p> <p>Wallsend campus (being Lot 1, DP 330699; Lots 11, 12 and 16, DP 13487 and Lots A, C, D, E and F, DP 312480).</p> <p>Maitland Hospital (being Lots 1 and 3, DP 375615; Lots 1–4, DP 154695; Lots 2 and 6, DP 37290; Lots 380–382, DP 538296; Lot 1, DP 198235; Lot 1, DP 198328; Lots 17 and 18, DP 746311 and part Lot 138, DP 755237 (comprising the land in Conveyance Book 4537 No 172)).</p> <p>Waratah campus (being Lot 3, DP 852177).</p> <p>Tamworth Base Hospital (being Lots 1, 99 and 335, DP 753848).</p>	
Macquarie University	Marsfield campus (being that part of Marsfield bounded by, but not including, Epping Road, Herring Road, Talavera Road, Culloden Road, Balaclava Road, Vimiera Road, Waterloo Road and Marsfield Park).	
Venues NSW	Trust land within the meaning of the former <i>Parramatta Stadium Trust Act 1988</i> (as in force immediately before its repeal) except for lots 951, 958, 959, 960 and 965 in the plan filed in the office of the Registrar-General as Deposited Plan 42643.	
Royal Botanic Gardens and Domain Trust	The Royal Botanic Gardens and The Domain (being those parts of the Trust lands, within the meaning of the <i>Royal Botanic Gardens and Domain Trust Act 1980</i> , that are described in Parts 1 and 2 of Schedule 2 to that Act, and including Art Gallery Road, Mrs Macquaries Road and Hospital Road).	

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Road Transport (General) Regulation 2013

Schedule 2 Declared organisations

Column 1	Column 2	Column 3
Declared organisation	Area of operations	Responsible Minister
Sydney Harbour Foreshore Authority	<p>The Rocks area of Sydney, comprising the following streets:</p> <ul style="list-style-type: none">(a) Cumberland Street (between Grosvenor Street and George Street),(b) Gloucester Street (between the Cahill Expressway and Cumberland Street),(c) Harrington Street (between Grosvenor Street and Argyle Street),(d) Essex Street (between George Street and Cumberland Street),(e) Argyle Street (between George Street and Cumberland Street),(f) George Street (between Globe Street and Cumberland Street),(g) Hickson Road (between Campbells Cove and Hickson Road Reserve),(h) Globe Street (between George Street and Harrington Street),(i) Atherden Street (between George Street and Gloucester Walk),(j) Playfair Street (between Argyle Street and Atherden Street),(k) Kendall Lane (between Argyle Street and Mill Lane),(l) Mill Lane (between George Street and Playfair Street),(m) Gloucester Walk (between George Street and Argyle Street),(n) Cambridge Street (between Argyle Street and the intersection of Harrington Street and Gloucester Street),(o) Nurses Walk (between Globe Street and Suez Canal),(p) Suez Canal (between Harrington Street and George Street).	

Column 1	Column 2	Column 3
Declared organisation	Area of operations	Responsible Minister
	<p>The Pyrmont Area of Sydney, comprising the following streets:</p> <ul style="list-style-type: none"> (a) Murray Street (between Union Street and Pirrama Road), (b) Pirrama Road (between Murray Street and Harris Street), (c) Darling Island (to its connection with Jones Bay Road), (d) Point Street (between Bowman Street and John Street), (e) Bowman Street (between Cross Street and Point Street), (f) Cross Street (between Bowman Street and Scott Street), (g) Scott Street (between Harris Street and Cross Street). 	
Sydney Olympic Park Authority	Sydney Olympic Park within the meaning of the <i>Sydney Olympic Park Authority Act 2001</i> .	
University of New England	Armidale campus (being that part of Armidale comprising the roads indicated on the maps marked "University of New England–Parking Scheme Area of Operations" and dated 23 February 2001 that have been lodged with the Authority before that date by the University of New England and that are available for inspection at each vehicular entrance to the Armidale Campus of the University of New England).	
University of Newcastle	<p>Callaghan campus (being that part of Newcastle bounded by, but not including, University Drive, Highway Route 123, the main Northern Rail line and the Steelworks golf course).</p> <p>Newcastle CBD precinct (being that part of Newcastle bounded by, but not including, Auckland Street, Gibson Street, Laman Street and Charles Street).</p> <p>Central Coast campus (being that part of Ourimbah bounded by, but not including, Chittaway Road, Brush Road and the Northern Rail line).</p>	

2013 No 367

Road Transport (General) Regulation 2013

Schedule 2 Declared organisations

Column 1	Column 2	Column 3
Declared organisation	Area of operations	Responsible Minister
University of New South Wales	<p>Kensington campus (being that part of Kensington bounded by, but not including, Anzac Parade, High Street, Botany Street and Barker Street).</p> <p>Randwick campus (being that part of Randwick bounded by, but not including, King Street, Darley Road, Govett Street and Govett Lane).</p> <p>Western campus (being that part of Kensington bounded by, but not including, Day Avenue and Anzac Parade).</p>	
University of Sydney	<p>Camperdown campus (being that part of Camperdown bounded by, but not including, Parramatta Road, Missenden Road, Carillon Avenue and City Road).</p> <p>Darlington campus (being that part of Chippendale bounded by, but not including, City Road, Golden Grove Road, Abercrombie Street, Lander Street, Shepherd Street and Cleveland Street).</p> <p>Carillon campus (being that part of Newtown bounded by, but not including, Carillon Avenue, Missenden Road and Campbell Street).</p> <p>Graduate School of Management campus (being that part of Macdonaldtown bounded by, but not including, Burren Street and Watkin Street).</p> <p>Nursing Accommodation site (being that part of Camperdown bounded by, but not including, Mallet Street, Church Street and Hampshire Lane).</p> <p>Sydney College of the Arts campus (being that part of Rozelle bounded by, but not including, North Circuit and Central Avenue).</p> <p>Cumberland College campus (being that part of Lidcombe bounded by, but not including, Earl Street and Lidcombe Hospital).</p> <p>Camden Farms, being the following sites:</p> <p>(a) that part of Camden bounded by, but not including, Werombi Road and Grownlow Hill Loop Road,</p>	

Column 1	Column 2	Column 3
Declared organisation	Area of operations	Responsible Minister
University of Technology, Sydney	(b) that part of Camden bounded by, but not including, Werombi Road, Sickles Creek and Nepean River,	
	(c) that part of Camden bounded by, but not including, Nepean River and Cobbity Road (northern section),	
	(d) that part of Camden bounded by, but not including, Nepean River and Cobbity Road (southern section),	
	(e) that part of Camden bounded by, but not including, Mayfarm Road and Mt Hunter Rivulet.	
	Orange campus (being that part of Orange bounded by, but not including, Leeds Road and Ophir Road).	
	City Campus (being that part of Ultimo bounded by, but not including, Jones Street, Thomas Street, Harris Street and Broadway).	
	Haymarket Campus (being that part of Ultimo bounded by, but not including, Ultimo Road, Hay Street, Quay Street and Merino Boulevard).	
	Blackfriars Campus (being that part of Chippendale bounded by, but not including, Buckland and Blackfriars Streets and Abercrombie Street).	
	Kuring-gai Campus (being that part of Lindfield bounded by, but not including, Eton Road, Winchester Avenue, Lyle Avenue, Lady Game Drive and Lane Cove National Park).	
	St Leonards Campus, Dunbar Building (being that part of St Leonards bounded by, but not including, the Pacific Highway, Westbourne Street, Royal North Shore Hospital and North Sydney College of TAFE).	

2013 No 367

Road Transport (General) Regulation 2013

Schedule 2 Declared organisations

Column 1	Column 2	Column 3
Declared organisation	Area of operations	Responsible Minister
University of Wollongong	<p>University of Wollongong Main Campus bounded by the F6 Freeway, Madoline Street up to the Botanic Gardens, the Botanic Gardens' end of Northfields Avenue and Robsons Road.</p> <p>University of Wollongong Campus East and Brandon Park bounded by Squires Way, Elliotts Road and Para Creek.</p> <p>International House Student Residence bounded by the Sydney to Wollongong Rail Line, Hindmarsh Avenue and the Northern Distributor.</p> <p>Weerona College Student Residence on the corner of Foleys Road and Throsby Drive backing on to the Wollongong Tennis Club's tennis courts.</p>	
Western Sydney Local Health District	<p>Auburn Hospital (being that part of Auburn bounded by, but not including, Hargrave Road, Norval Street, Havington Road and Water Street).</p> <p>Blacktown Hospital (being that part of Blacktown bounded by, but not including, Bungarribee Road, Blacktown Road, Panorama Parade and Marcel Crescent).</p> <p>Cumberland Hospital (being that part of Parramatta bounded by, but not including, Fleet Street, New Street, Parramatta Gaol and Toongabbie Creek).</p> <p>Mt Druitt Hospital (being that part of Mt Druitt bounded by, but not including, Luxford Road, Railway Street, North Parade and Mount Street).</p> <p>Lottie Stewart Hospital (being that part of Dundas bounded by, but not including, Stewart Street and Kissing Point Road).</p> <p>St Joseph's Hospital (being that part of Auburn bounded by, but not including, Normanby Road, Alice Street, Mona Street and Cardigan Street).</p> <p>Westmead Hospital (being that part of Westmead bounded by, but not including, Darcy Road, Hawkesbury Road and Toongabbie Creek).</p>	

Schedule 3 Substances prescribed as drugs

(Clause 28)

ALPRAZOLAM
AMYLOBARBITONE
AZATADINE
BARBITURIC ACID DERIVATIVES not otherwise specified in this Schedule
BENZODIAZEPINE DERIVATIVES not otherwise specified in this Schedule
BROMAZEPAM
BROMPHENIRAMINE
BUCLIZINE
BUPRENORPHINE
BUTOBARBITONE
CHLORAL HYDRATE
CHLORDIAZEPOXIDE
CHLORMETHIAZOLE
CHLORPHENIRAMINE
CHLORPHENTERMINE
CLEMASTINE
CLOBAZAM
CLONAZEPAM
CLORAZEPATE
CODEINE
CYCLIZINE
CYCLOBARBITONE
CYPROHEPTADINE
DEXCHLORPHENIRAMINE
DEXTROPROPOXYPHENE
DIAZEPAM
DIETHYLPROPION
DIHYDROCODEINE
DIMENHYDRINATE
DIMETHINDINE
DIPHENHYDRAMINE
DIPHENYLPRYALINE
DOXYLAMINE
EPHEDRINE (excluding pseudoephedrine)
ETHYLMORPHINE
FENFLURAMINE
FLUNITRAZEPAM
FLURAZEPAM
GLUTETHIMIDE
HYDROXYZINE
LORAZEPAM
MAZINDOL

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Schedule 3 Substances prescribed as drugs

MEBHYDROLIN
MECLOZINE
MEDAZEPAM
MEPROBAMATE
MEPYRAMINE
METHDILAZINE
METHYLPHENOBARBITONE
MIDAZOLAM
NALBUPHINE
NITRAZEPAM
OXAZEPAM
PENTAZOCINE
PENTOBARBITONE
PHENIRAMINE
PHENOBARBITONE
PHENTERMINE
PHENYLTOLOXAMINE
PIZOTIFEN
PRAZEPAM
PROMETHAZINE
PROPYLHEXEDRINE
QUINALBARBITONE
SECBUTOBARBITONE
TEMAZEPAM
THENYLDIAMINE
TRIAZOLAM
TRIMEPRAZINE
TRIPROLIDINE

Schedule 4 Authorised officers

(Clause 121)

Class 1 officer means:

- (a) a special constable who, during the normal course of his or her employment, is subject to the control and direction of the Commissioner of Police, or
- (b) a person who is employed in the Office of State Revenue in the Department of Finance and Services and who is authorised by the Chief Commissioner of State Revenue for the purposes of this definition, or
- (c) a person:
 - (i) whose services are made use of by the Office of State Revenue in the Department of Finance and Services (whether by way of temporary hire arrangement, secondment or otherwise), and
 - (ii) who is authorised by the Chief Commissioner of State Revenue for the purposes of this definition, and
 - (iii) who is subject to the control and direction of the Chief Commissioner of State Revenue as an authorised officer.

Class 2 officer means a person:

- (a) who is employed by Roads and Maritime Services as an enforcement officer, or
- (b) who is subject to the control and direction of Roads and Maritime Services as an enforcement officer.

Class 3 officer means a person:

- (a) who is employed by the State Transit Authority as an enforcement officer, or
- (b) who is subject to the control and direction of the State Transit Authority as an enforcement officer.

Class 4 officer means a person:

- (a) who is employed by Transport for NSW as an enforcement officer, or
- (b) who is subject to the control and direction of Transport for NSW as an enforcement officer.

Class 6 officer means an authorised officer within the meaning of the *Forestry Act 2012*.

Class 7 officer means a person:

- (a) who is an officer or employee of the Office of Environment and Heritage, Department of Premier and Cabinet, or
- (b) who is subject to the control and direction of the Office of Environment and Heritage, Department of Premier and Cabinet,

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Schedule 4 Authorised officers

and who is an enforcement officer (within the meaning of section 226 of the *Protection of the Environment Operations Act 1997*) in respect of an offence arising under section 145 of that Act.

Class 8 officer means a person:

- (a) who is employed by the Sydney Harbour Foreshore Authority as an enforcement officer, or
- (b) who is subject to the control and direction of the Sydney Harbour Foreshore Authority as an enforcement officer.

Class 9 officer means a person:

- (c) who is employed in a Government department as an enforcement officer, or
- (d) who is subject to the control and direction of the head of a Government department as an enforcement officer.

Class 10 officer means a person:

- (e) who is employed by a corporation established by or under an Act as an enforcement officer, or
- (f) who is subject to the control and direction of a corporation as an enforcement officer.

Class 12 officer means a person:

- (a) who is employed by a local council, or
 - (b) who is subject to the control and direction of a local council,
- and who is an authorised person (within the meaning of the *Local Government Act 1993*) for the purposes of section 679 of that Act.

Class 14 officer means a person who is appointed as an authorised officer under Part 7.1 of the Act.

Class 15 officer means a person:

- (a) who is employed by a declared organisation as an enforcement officer, or
- (b) who is subject to the control and direction of a declared organisation as an enforcement officer.

Class 16 officer means a person who is appointed or employed by Roads and Maritime Services as a Traffic Commander.

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Schedule 5 Penalty notice offences

Schedule 5 Penalty notice offences

(Clause 122)

Local Government Act 1993

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Section 650 (1) (in relation to a notice or sign referred to in section 650 (2) (a) or (b)); Section 650 (4); Section 650 (5)	Class 1, 6, 7, 12	Level 2
Section 650 (1) (in relation to a notice or sign referred to in section 650 (2) (c)—space for the use of persons with disabilities)	Class 1, 6, 7, 12	Level 7

Motor Accidents Compensation Act 1999

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Section 8	Class 1, 2, 4	Level 8

Motor Vehicles Taxation Act 1988

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Section 9	Class 1, 2	Level 8

Road Rules 2008

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
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:		

Road Rules 2008

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
(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 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

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Schedule 5 Penalty notice offences

Road Rules 2008

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
(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
(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

Road Rules 2008

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
(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

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Schedule 5 Penalty notice offences

Road Rules 2008

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
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
(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

Road Rules 2008

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
(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
Rule 27 (1); Rule 28 (1); Rule 28 (1A); Rule 29; Rule 31; Rule 32 (1); Rule 32 (2A); Rule 33 (1) and (2); Rule 33 (1) and (3); Rule 88; Rule 89; Rule 90; Rule 91; Rule 92 (1); Rule 98 (1); Rule 99; Rule 100; Rule 247A; Rule 247B:		
(a) in relation to the use of a motor vehicle	Class 1	Level 4
(b) in relation to the use of any other vehicle	Class 1	Level 1
Rule 28 (2A); Rule 31 (4A); Rule 35 (2); Rule 119; Rule 141 (2); Rule 151; Rule 223; Rule 228; Rule 229; Rule 230 (1); Rule 231 (1); Rule 232 (1); Rule 233; Rule 234; Rule 235; Rule 235A; Rule 236; Rule 237 (1); Rule 238; Rule 239; Rule 240; Rule 240A; Rule 241; Rule 242 (1); Rule 243; Rule 244; Rule 245; Rule 245–1; Rule 246; Rule 247 (1); Rule 248; Rule 249; Rule 250; Rule 251; Rule 252 (1); Rule 253; Rule 254; Rule 255; Rule 256; Rule 257 (1); Rule 258; Rule 259; Rule 260; Rule 261 (1); Rule 262; Rule 301; Rule 302; Rule 303	Class 1	Level 1
Rule 37, Rule 39, Rule 40, Rule 41, Rule 42, otherwise than in school zone	Class 1	Level 4
Rule 37, Rule 39, Rule 40, Rule 41, Rule 42, in school zone	Class 1	Level 5
Rule 38, Rule 62, Rule 63, Rule 64 (a), Rule 64 (c), Rule 65 (2) (a), Rule 65 (2) (b), Rule 67 (1), Rule 68 (1), Rule 69 (1), Rule 70, Rule 71 (1), Rule 101, Rule 288, Rule 289, Rule 290, Rule 297 (2), Rule 299 (1), Rule 300, Rule 300–1, otherwise than in school zone	Class 1	Level 5

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Schedule 5 Penalty notice offences

Road Rules 2008

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Rule 38, Rule 62, Rule 63, Rule 64 (a), Rule 64 (c), Rule 65 (2) (a), Rule 65 (2) (b), Rule 67 (1), Rule 68 (1), Rule 69 (1), Rule 70, Rule 71 (1), Rule 101, Rule 288, Rule 289, Rule 290, Rule 297 (2), Rule 299 (1), Rule 300, Rule 300–1, in school zone	Class 1	Level 6
Rule 46 (1); Rule 46 (4); Rule 48 (1); Rule 48 (4); Rule 51; Rule 53; 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); Rule 164A	Class 1	Level 3
Rule 56 (1), in relation to the use of a motor vehicle otherwise than at toll booth or in school zone	Class 1	Level 6
Rule 56 (1), in relation to the use of a motor vehicle in school zone	Class 1	Level 7
Rule 56 (1), in relation to the use of a motor vehicle at toll booth	Class 1	Level 3
Rule 56 (1), in relation to the use of a vehicle not being a motor vehicle	Class 1	Level 1
Rule 56 (2), Rule 80, Rule 81, Rule 82, in relation to the use of a motor vehicle otherwise than in school zone	Class 1	Level 6
Rule 56 (2), Rule 80, Rule 81, Rule 82, in relation to the use of a motor vehicle in school zone	Class 1	Level 7
Rule 56 (2), Rule 80, Rule 81, Rule 82, in relation to the use of a vehicle not being a motor vehicle	Class 1	Level 1
Rule 57, Rule 60, Rule 60A, Rule 61, Rule 64 (b), Rule 65 (2) (c), Rule 297 (1), Rule 297 (1A), Rule 297 (3), otherwise than in school zone	Class 1	Level 6
Rule 57, Rule 60, Rule 60A, Rule 61, Rule 64 (b), Rule 65 (2) (c), Rule 297 (1), Rule 297 (1A), Rule 297 (3), in school zone	Class 1	Level 7
Rule 59 (1), in relation to the use of a motor vehicle otherwise than at toll booth or in school zone	Class 1	Level 6
Rule 59 (1), in relation to the use of a motor vehicle in school zone	Class 1	Level 7
Rule 59 (1), in relation to the use of a motor vehicle at toll booth	Class 1	Level 3

Road Rules 2008

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Rule 59 (1), in relation to the use of a vehicle not being a motor vehicle	Class 1	Level 1
Rule 66; Rule 78 (1); Rule 78 (2); Rule 79 (1); Rule 121; Rule 122; Rule 123; Rule 124; Rule 126; Rule 152; Rule 274; Rule 275; Rule 277; Rule 279; Rule 281; Rule 282; Rule 284; Rule 286; Rule 2	Class 1	Level 6
Rule 72 (1); Rule 73 (1); Rule 74 (1); Rule 75 (1); Rule 76 (1); Rule 76 (2); Rule 77 (1); Rule 84 (1) (a); Rule 84 (1) (b); Rule 85; Rule 86 (1); Rule 87; Rule 108 (1); Rule 114; Rule 136; Rule 140; Rule 142 (1); Rule 144; Rule 145; Rule 148; Rule 148A; Rule 149; Rule 154 (1); Rule 157 (1); Rule 159 (1); Rule 224; Rule 264 (1); Rule 265 (1); Rule 266 (1); Rule 267-1 (2); Rule 267-1 (3); Rule 268; Rule 268-2 (1); Rule 268-2 (2); Rule 268-3 (1); Rule 269 (1); Rule 269 (3); Rule 269 (4); Rule 270 (1) (a); Rule 270 (2); Rule 271 (1) (a); Rule 271 (2) (a); Rule 271 (2) (a) and (3); Rule 271 (4); Rule 271 (5); Rule 271 (5A); Rule 271 (5B); Rule 271 (5C); Rule 271-1 (1); Rule 271-2 (1); Rule 287; Rule 298; Rule 298-1	Class 1	Level 5
Rule 79-1; Rule 79-2 (1); Rule 218-1	Class 1	Level 2
Rule 83:		
(a) in relation to the use of a motor vehicle	Class 1	Level 6
(b) in relation to the use of any other vehicle	Class 1	Level 1
Rule 93 (1); Rule 94; Rule 95 (1); Rule 96 (1); Rule 97 (1); Rule 101A; Rule 111; Rule 115 (1); Rule 116; Rule 125 (1); Rule 128; Rule 143; Rule 155 (1); Rule 156 (1)	Class 1	Level 4
Rule 102:		
(a) in relation to a driver who drives through or under (or attempts to drive through or under) a tunnel, bridge or other structure to which a clearance sign or low clearance sign relates	Class 1, 2	Level 14
(b) in relation to any other driver	Class 1, 2	Level 3
Rule 103	Class 1, 2, 14	Level 4

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Schedule 5 Penalty notice offences

Road Rules 2008

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Rule 104:		
(a) in relation to any length of road other than the length of road referred to in paragraph (b)	Class 1, 2, 14	Level 3
(b) in relation to the length of road between Galston and Hornsby Heights that crosses Galston Gorge	Class 1, 2, 14	Level 14
Rule 105; Rule 107	Class 1, 2	Level 8
Rule 106	Class 1, 2, 14	Level 3
Rule 127 (1), in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone	Class 1, 2	Level 11
Rule 127 (1), otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone	Class 1	Level 6
Rule 128A, otherwise than in school zone	Class 1	Level 4
Rule 128A, in school zone	Class 1	Level 5
Rule 129 (1); Rule 137 (1); Rule 138 (1):		
(a) in relation to the use of a motor vehicle	Class 1	Level 4
(b) in relation to the use of any other vehicle	Class 1	Level 1
Rule 130; Rule 131; Rule 135 (1):		
(a) in relation to the use of a motor vehicle	Class 1	Level 5
(b) in relation to the use of any other vehicle	Class 1	Level 1
Rule 132:		
(a) in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone	Class 1, 2	Level 11
(b) in relation to a class B or class C motor vehicle not in a Safe-T-Cam zone or average speed detection zone	Class 1	Level 5
(c) in relation to a motor vehicle that is not a class B or class C motor vehicle	Class 1	Level 5
(d) in relation to a vehicle that is not a motor vehicle	Class 1	Level 1

Road Rules 2008

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Rule 146, in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone; Rule 147, in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone; Rule 150 (1), in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone	Class 1, 2	Level 11
Rule 146, otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone; Rule 147, otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone	Class 1	Level 4
Rule 150 (1), otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone	Class 1	Level 4
Rule 157–1 (1)	Class 1	Level 5
Rule 157–1 (2)	Class 1, 12, 16	Level 5
Rule 160; Rule 161; Rule 212; Rule 213 (2); Rule 213 (3); Rule 213 (4); Rule 213 (5); Rule 216; Rule 218; Rule 219; Rule 271 (1) (b); Rule 271 (1) (c); Rule 271 (2) (b); Rule 271 (2) (b) and (3); Rule 272; Rule 296 (2)	Class 1	Level 2
Rule 167, otherwise than in school zone	Class 1, 12, 16	Level 4
Rule 167, in school zone	Class 1, 12, 16	Level 5
Rule 168 (1), otherwise than in school zone	Class 1, 12, 16	Level 2
Rule 168 (1), in school zone	Class 1, 12, 16	Level 3
Rule 168–1 (1)	Class 1, 8, 9, 10, 12, 15, 16	Level 2
Rule 169; Rule 170; Rule 176 (1); Rule 177 (1); Rule 178; Rule 187	Class 1, 12, 16	Level 4
Rule 171 (1), Rule 172 (1), Rule 173 (1), otherwise than in school zone	Class 1, 12	Level 5

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Schedule 5 Penalty notice offences

Road Rules 2008

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Rule 171 (1), Rule 172 (1), Rule 173 (1), in school zone	Class 1, 12	Level 6
Rule 174 (2); Rule 175 (1)	Class 1, 12	Level 5
Rule 179; Rule 180 (1); Rule 181 (1); Rule 190 (1); Rule 208 (1) and (2)	Class 1, 12	Level 3
Rule 179-1; Rule 207-1; Rule 207-2; Rule 207-3; Rule 207-4; Rule 207-5; Rule 207-6; Rule 207-7; Rule 207-8; Rule 207-9	Class 1, 12, 15	Level 2
Rule 182 (1); Rule 196 (1)	Class 1, 4, 12	Level 3
Rule 183 (1), otherwise than in school zone	Class 1, 3, 4, 12	Level 4
Rule 183 (1), in school zone	Class 1, 3, 4, 12	Level 5
Rule 184 (1), in relation to a minibus zone in a clearway, transit lane or bus lane	Class 1, 3, 4, 12	Level 3
Rule 184 (1), otherwise than in relation to a minibus zone in a clearway, transit lane or bus lane	Class 1, 3, 4, 12	Level 2
Rule 186 (1)	Class 1, 4, 12	Level 2
Rule 188; Rule 193 (1); Rule 194 (1); Rule 198 (1); Rule 199 (1); Rule 200; Rule 201; Rule 202; Rule 205; Rule 208 (1) and (3); Rule 208 (1) and (4); Rule 208 (1) and (5); Rule 208 (1) and (7); Rule 208 (1) and (8); Rule 208A; Rule 209 (2); Rule 210 (1); Rule 211	Class 1, 12	Level 2
Rule 189, otherwise than in school zone	Class 1, 12	Level 4
Rule 189, in school zone	Class 1, 12	Level 5
Rule 191; Rule 192; Rule 203A	Class 1, 12, 16	Level 3
Rule 195 (1), otherwise than in school zone	Class 1, 4, 12	Level 4
Rule 195 (1), in school zone	Class 1, 4, 12	Level 5
Rule 197 (1), Rule 198 (2), otherwise than in school zone	Class 1, 12	Level 2
Rule 197 (1), Rule 198 (2), in school zone	Class 1, 12	Level 3
Rule 197 (1A)	Class 1, 12	Level 3
Rule 203 (1)	Class 1, 12, 15	Level 7

Road Rules 2008

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Rule 205A-1 (1)	Class 1, 12, 15, 16	Level 4
Rule 208 (1) and (6)	Class 1, 12	Level 4
Rule 215-1 (1), in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone	Class 1, 2	Level 11
Rule 215-1 (1), otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone	Class 1	Level 2
Rule 221-1 (1); Rule 294-3 (1); Rule 300-5	Class 1, 2	Level 2
Rule 222-1; Rule 300-4 (1)	Class 1, 2	Level 5
Rule 222-2 (1); Rule 222-2 (2); Rule 222-2 (3); Rule 291-1 (1)	Class 1, 2	Level 3
Rule 226; Rule 227	Class 1, 2	Level 2
Rule 265 (3) (where driver drives with 1 unrestrained passenger)	Class 1	Level 5
Rule 265 (3) (where driver drives with 2 unrestrained passengers)	Class 1	Level 8
Rule 265 (3) (where driver drives with 3 unrestrained passengers)	Class 1	Level 10
Rule 265 (3) (where driver drives with 4 or more unrestrained passengers)	Class 1	Level 12
Rule 270 (1) (a) and (b) (where unhelmeted rider rides bike with one unhelmeted passenger only)	Class 1	Level 8
Rule 270 (1) (a) and (b) (where unhelmeted rider rides bike with 2 unhelmeted passengers)	Class 1	Level 10
Rule 270 (1) (a) and (b) (where unhelmeted rider rides bike with 3 unhelmeted passengers)	Class 1	Level 12
Rule 270 (1) (a) and (b) (where unhelmeted rider rides bike with 4 or more unhelmeted passengers)	Class 1	Level 13
Rule 270 (1) (b) (where helmeted rider rides bike with one unhelmeted passenger only)	Class 1	Level 5
Rule 270 (1) (b) (where helmeted rider rides bike with 2 unhelmeted passengers)	Class 1	Level 8

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Schedule 5 Penalty notice offences

Road Rules 2008

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Rule 270 (1) (b) (where helmeted rider rides bike with 3 unhelmeted passengers)	Class 1	Level 10
Rule 270 (1) (b) (where helmeted rider rides bike with 4 or more unhelmeted passengers)	Class 1	Level 12
Rule 291	Class 1, 2	Level 5
Rule 291–2	Class 1, 2, 16	Level 3
Rule 291–3	Class 1	Level 3
Rule 292 (a); Rule 292 (b)	Class 1, 2, 12	Level 6
Rule 292 (c)	Class 1, 2	Level 6
Rule 293 (2)	Class 1, 2, 16	Level 6
Rule 294–1 (1); Rule 294–2 (1)	Class 1, 2	Level 6
Rule 296 (1), otherwise than in school zone	Class 1	Level 3
Rule 296 (1), in school zone	Class 1	Level 4
Rule 300–2 (1)	Class 1	Level 6
Rule 304 (1)	Class 1, 16	Level 5
Rule 316–2 (1)	Class 1, 2, 12, 16	Level 3

Road Transport Act 2013

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Section 50	Class 1	Level 9
Section 53 (1) (a); Section 53 (1) (b):		
(a) where the driver held a licence under the Act (but not a licence appropriate to the class of vehicle driven, being a class of vehicle that requires a Class C, Class R, Class LR or Class MR licence):		
(i) for the first offence, or the first offence within the last 5 years	Class 1, 2	Level 7

Road Transport Act 2013

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
(ii) for the second or subsequent offence within the last 5 years	Class 1, 2	Level 9
(b) where the driver held a licence under the Act (but not a licence appropriate to the class of vehicle driven, being a class of vehicle that requires a Class HR, Class HC or Class MC licence):		
(i) for the first offence, or the first offence within the last 5 years	Class 1, 2	Level 8
(ii) for the second or subsequent offence within the last 5 years	Class 1, 2	Level 11
(c) where the driver held a licence issued under the law in force in another State or Territory, but had resided continuously in New South Wales during the previous 3 months:		
(i) for the first offence, or the first offence within the last 5 years	Class 1, 2	Level 7
(ii) for the second or subsequent offence within the last 5 years	Class 1, 2	Level 9
(d) where the driver held a licence under the Act that had expired less than 2 years before:		
(i) for the first offence, or the first offence within the last 5 years	Class 1, 2	Level 7
(ii) for the second or subsequent offence within the last 5 years	Class 1, 2	Level 9
(e) where the driver held a licence under the Act that had expired 2 years or more before:		
(i) for the first offence, or the first offence within the last 5 years	Class 1, 2	Level 8
(ii) for the second or subsequent offence within the last 5 years	Class 1, 2	Level 11
(f) where the driver had never been licensed within the meaning of section 53 (5) (for the first offence only)	Class 1, 2	Level 9
Section 68 (1):		
(a) in the case of a class A motor vehicle	Class 1, 2	Level 8

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Schedule 5 Penalty notice offences

Road Transport Act 2013

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
(b) in the case of a class B or class C motor vehicle	Class 1, 2	Level 12
Section 73 (3); Section 75 (2)	Class 1, 2	Level 12
Section 90 (1); Section 92 (1); Section 96; Section 97	Class 2	Level 8
Section 91; Section 92 (2); Section 93; Section 94; Section 98 (6)	Class 2	Level 12
Section 116 (1)	Class 1	Level 8
Section 117 (1) (c)	Class 1	Level 6
Section 119; Section 120 (3)	Class 1	Level 13
Section 143 (6)	Class 1, 2	Level 5
Section 162	Class 1, 2	Level 14
Section 175 (2) (a) or (b)	Class 1, 2	Level 2
Section 177 (1)	Class 1, 2	Level 9
Section 188 (1):		
(a) if the offence relates to a vehicle registered otherwise than in the name of a natural person:		
(i) for the first offence, or the first offence within the last 5 years	Class 1	Level 12
(ii) for the second or subsequent offence within the last 5 years	Class 1	Level 17
(b) in any other case	Class 1	Level 8
Section 188 (2):		
(a) if the offence relates to a vehicle registered otherwise than in the name of a natural person	Class 1	Level 12
(b) in any other case	Class 1	Level 8
Section 239 (2); Section 244 (1)–(3)	Class 1	Level 14
Section 243 (1) and (2)	Class 1	Level 15
Section 244 (4)	Class 1	Level 9

Road Transport (Driver Licensing) Regulation 2008

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Clause 9 (3); Clause 9 (4)	Class 1, 2	Level 2
Clause 15 (1) (a)	Class 1	Level 9
Clause 15 (1) (b); Clause 17 (1) (a); Clause 17 (1) (b); Clause 18 (a); Clause 18 (b); Clause 23 (a); Clause 23 (b)	Class 1	Level 4
Clause 16 (a); Clause 16 (b); Clause 19; Clause 35 (6); Clause 35 (8); Clause 99 (7); Clause 117 (1) (a); Clause 117 (1) (b)	Class 1	Level 2
Clause 17 (2)	Class 1	Level 7
Clause 35 (7)	Class 1	Level 5
Clause 114 (1) (otherwise than where the licence concerned is an interlock driver licence):		
(a) in relation to a condition imposed by clause 22 (b) (ii) or 28A (1) (b) if it is the first such offence, or the first such offence within the last 5 years	Class 1	Level 7
(b) in relation to a condition imposed by clause 22 (b) (ii) or 28A (1) (b) if it is the second or subsequent such offence within the last 5 years	Class 1	Level 9
(c) in relation to a condition imposed by clause 22 (c)	Class 1	Level 5
(d) in relation to a condition imposed by clause 32, 33 or 34	Class 1	Level 7
(e) in relation to any other licence condition	Class 1	Level 4
Clause 115; Clause 116; Clause 118 (2)	Class 1, 2	Level 2

Road Transport (General) Regulation 2013

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Clause 18 (1)	Class 1	Level 6
Clause 21	Class 1	Level 2
Clause 24 (1); Clause 25 (1); Clause 26 (2)	Class 1, 2	Level 5

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Road Transport (General) Regulation 2013

Schedule 5 Penalty notice offences

Road Transport (General) Regulation 2013

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Clause 26 (3); Clause 27	Class 1, 2	Level 3
Clause 33 (1); Clause 33 (2); Clause 34	Class 1, 2, 12, 16	Level 3
Clause 63; Clause 64 (a); Clause 64 (b); Clause 71 (b); Clause 92 (3) (a)	Class 1, 12, 15	Level 2
Clause 70; Clause 71 (a); Clause 76; Clause 92 (3) (b); Clause 92 (3) (c); Clause 92 (4)	Class 1, 12, 15	Level 7
Clause 111; Clause 112; Clause 113; Clause 114 (4); Clause 115 (3); Clause 116 (6)	Class 1, 2, 6, 7, 8, 9, 10, 12, 14, 15, 16	Level 8

Road Transport (Mass, Loading and Access) Regulation 2005

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Clause 13 in respect of driving or operating a Class 1 vehicle in contravention of a condition of a notice or permit, being driving or operating:		
(a) that involves travelling in an area or on a route other than an area or route on which the vehicle is permitted to travel under the notice or permit	Class 1, 2, 6, 7, 12, 14	Level 11
(b) that involves travelling at a time other than the time at which the vehicle is permitted to travel under the notice or permit	Class 1, 2, 6, 7, 12, 14	Level 11
(c) that involves travelling accompanied by fewer than the number of pilot or escort vehicles required under the notice or permit	Class 1, 2, 6, 7, 12, 14	Level 11
(d) that does not involve (a), (b) or (c)	Class 1, 2, 6, 7, 12, 14	Level 4
Clause 19 in respect of driving or operating a Class 2 vehicle otherwise than in accordance with a notice or permit, being driving or operating:		

Road Transport (Mass, Loading and Access) Regulation 2005

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
(a) that involves travelling in an area or on a route other than an area or route on which the vehicle is permitted to travel under the notice or permit	Class 1, 2, 6, 7, 12, 14	Level 11
(b) that involves travelling at a time other than the time at which the vehicle is permitted to travel under the notice or permit	Class 1, 2, 6, 7, 12, 14	Level 11
(c) that involves travelling accompanied by fewer than the number of pilot or escort vehicles required under the notice or permit	Class 1, 2, 6, 7, 12, 14	Level 11
(d) that does not involve (a), (b) or (c)	Class 1, 2, 6, 7, 12, 14	Level 4
Clause 26 in respect of driving or operating a Class 3 vehicle in contravention of a condition of a notice or permit, being driving or operating:		
(a) that involves travelling in an area or on a route other than an area or route on which the vehicle is permitted to travel under the notice or permit	Class 1, 2, 6, 7, 12, 14	Level 11
(b) that involves travelling at a time other than the time at which the vehicle is permitted to travel under the notice or permit	Class 1, 2, 6, 7, 12, 14	Level 11
(c) that involves travelling accompanied by fewer than the number of pilot or escort vehicles required under the notice or permit	Class 1, 2, 6, 7, 12, 14	Level 11
(d) that does not involve (a), (b) or (c)	Class 1, 2, 6, 7, 12, 14	Level 4
(e) that involves travelling in an area or on a route other than an area or route on which the vehicle or combination is permitted to travel under the exemption	Class 1, 2, 6, 7, 12, 14	Level 11
(f) that involves travelling at a time other than the time at which the vehicle or combination is permitted to travel under the exemption	Class 1, 2, 6, 7, 12, 14	Level 11
(g) that involves travelling accompanied by fewer than the number of pilot or escort vehicles required under the exemption	Class 1, 2, 6, 7, 12, 14	Level 11
(h) that does not involve (a), (b) or (c)	Class 1, 2, 6, 7, 12, 14	Level 4

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Road Transport (General) Regulation 2013

Schedule 5 Penalty notice offences

Road Transport (Mass, Loading and Access) Regulation 2005

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Clause 39 (3)	Class 1, 2, 6, 7, 12, 14	Level 4
Clause 40; Clause 53; Clause 73	Class 1, 2, 6, 7, 12, 14	Level 3
Clause 41 (a); Clause 41 (b); Clause 41 (c)	Class 1, 2, 6, 7, 12, 14	Level 3
Clause 48 (1)	Class 1, 2, 6, 7, 12, 14	Level 2
Clause 52 (4)	Class 1, 2	Level 4
Clause 59	Class 1, 2	Level 4
Clause 62 (a); Clause 62 (b)	Class 1, 2, 12, 14	Level 4
Clause 62 (c)	Class 1, 2, 12, 14	Level 6
Clause 74 (otherwise than in relation to a breach of a mass limit):		
(a) that involves travelling in an area or on a route other than an area or route on which the vehicle or combination concerned is permitted to travel under a notice or permit	Class 1, 2, 6, 7, 12, 14	Level 11
(b) that involves travelling at a time other than the time at which the vehicle or combination concerned is permitted to travel under a notice or permit	Class 1, 2, 6, 7, 12, 14	Level 11
(c) that involves travelling accompanied by fewer than the number of pilot or escort vehicles required under a notice or permit	Class 1, 2, 6, 7, 12, 14	Level 11
(d) that does not involve (a), (b) or (c)	Class 1, 2, 6, 7, 12, 14	Level 4

Road Transport (Vehicle and Driver Management) Act 2005

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Section 26 (2) and clause 47 (1) of the <i>Road Transport (Mass, Loading and Access) Regulation 2005</i>	Class 1, 2, 6, 7, 12, 14	Level 9
Section 26 (2) and clause 61 of the <i>Road Transport (Mass, Loading and Access) Regulation 2005</i>	Class 1, 2, 6, 7, 12, 14	Level 9
Section 28 if the offence arises because the laden mass of the vehicle exceeds the maximum specified by means of a notice displayed in accordance with section 28:		
(a) by not more than 1 tonne	Class 1, 2, 12, 14	Level 5
(b) by more than 1 tonne but not more than 2 tonnes	Class 1, 2, 12, 14	Level 8
(c) by more than 2 tonnes but not more than 3 tonnes	Class 1, 2, 12, 14	Level 10
(d) by more than 3 tonnes but not more than 4 tonnes	Class 1, 2, 12, 14	Level 11
Section 56 (in relation to a breach of a mass requirement by an operator of a vehicle or combination); Section 57 (in relation to a breach of a mass requirement by a driver of a vehicle or combination); Section 80 (in relation to a breach of a mass requirement by a registered operator or an owner of a vehicle or combination):		
(a) minor risk breach	Class 1, 2, 6, 7, 12, 14	Level 6
(b) substantial risk breach	Class 1, 2, 6, 7, 12, 14	Level 10
Section 56 (in relation to a breach of a dimension requirement or a load restraint requirement by an operator of a vehicle or combination); Section 57 (in relation to a breach of a dimension requirement or a load restraint requirement by a driver of a vehicle or combination); Section 80 (in relation to a breach of a dimension requirement or a load restraint requirement by a registered operator or an owner of a vehicle or combination):		
(a) minor risk breach	Class 1, 2, 6, 7, 12, 14	Level 5

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Road Transport (General) Regulation 2013

Schedule 5 Penalty notice offences

Road Transport (Vehicle and Driver Management) Act 2005

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
(b) substantial risk breach	Class 1, 2, 6, 7, 12, 14	Level 9
Section 66 (3); Section 67 (5); Section 68 (3); Section 150 (4)	Class 1, 2	Level 9
Section 136 (5), if the offence relates to a heavy vehicle or heavy combination	Class 1, 2	Level 8
Section 137 (2), if the offence relates to a heavy vehicle or heavy combination	Class 1, 2	Level 8

Road Transport (Vehicle and Driver Management) Regulation 2005

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Clause 49 (3) and (4); Clause 50 (3); Clause 51 (4); Clause 52 (2); Clause 73 (3); Clause 76; Clause 77; Clause 78; Clause 79; Clause 81 (2), (2A), (2C), (3), (5)–(7) and (9)–(13); Clause 106; Clause 107 (4); Clause 108; Clause 112; Clause 113 (4); Clause 114; Clause 121:		
(a) in relation to an individual	Class 1, 2, 4	Level 5
(b) in relation to a corporation	Class 1, 2, 4	Level 13
Clause 64; Clause 65; Clause 66; Clause 68; Clause 70; Clause 71; Clause 72; Clause 117:		
(a) in relation to a minor risk offence	Class 1, 2, 4	Level 4
(b) in relation to a substantial risk offence:	Class 1, 2, 4	Level 7
Clause 155 (4) and (5); Clause 157 (3); Clause 161 (3):		
(a) in relation to an individual	Class 1, 2, 4	Level 9
(b) in relation to a corporation	Class 1, 2, 4	Level 17
Clause 156 (3):		
(a) in relation to an individual:		
(i) in relation to a level 1 offence	Class 1, 2, 4	Level 6
(ii) in relation to a level 2 offence	Class 1, 2, 4	Level 9

Road Transport (Vehicle and Driver Management) Regulation 2005

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
(b) in relation to a corporation:		
(i) in relation to a level 1 offence	Class 1, 2, 4	Level 13
(ii) in relation to a level 2 offence	Class 1, 2, 4	Level 17

Road Transport (Vehicle Registration) Regulation 2007

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
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 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 (1A); Clause 86 (1); Clause 86 (3)	Class 1, 2	Level 2
Clause 28C (1) and (2)	Class 1	Level 15
Clause 52 (1) (a) in respect of the use of a registrable vehicle that does not comply with any of the following provisions of Schedule 2:		
(a) clause 21 (b), vehicle cause danger or unreasonable annoyance	Class 1, 2	Level 3
(b) clause 22, defective steering	Class 1, 2	Level 5

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Road Transport (General) Regulation 2013

Schedule 5 Penalty notice offences

Road Transport (Vehicle Registration) Regulation 2007

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
(c) clause 25 (3), motor vehicle manufactured on or after 1 January 2003 (except if the model of the vehicle is a model of a kind manufactured before 1 January 2003) that has a GVM of not more than 3.5 tonnes and that is fitted with a vehicle frontal protection system (such as bullbar, roobar or nudge bar) failing to comply with AS 4876.1—2002 <i>Motor vehicle frontal protection systems—Road user protection</i> because of: <ul style="list-style-type: none"> (i) incorrect method of mounting vehicle frontal protection system, or (ii) exposed edges, or (iii) unacceptable shape of material or unacceptable profile of vehicle frontal protection system, or (iv) use of non-standard or non-approved vehicle frontal protection system 	Class 1, 2	Level 3
(d) clause 25 (3), motor vehicle manufactured on or after 1 January 2003 (except if the model of the vehicle is a model of a kind manufactured before 1 January 2003) that has a GVM of not more than 3.5 tonnes and that is fitted with a vehicle frontal protection system (such as bullbar, roobar or nudge bar) failing to comply with AS 4876.1—2002 <i>Motor vehicle frontal protection systems—Road user protection</i> because of dangerous protrusions (such as fishing rod holders, aerials, winches and brackets for the mounting of spot lamps) fitted to vehicle frontal protection system	Class 1, 2	Level 5
(e) clause 26, oil and grease leaks	Class 1, 2	Level 3
(f) clause 28, defective seating	Class 1, 2	Level 5
(g) clause 29, seatbelt removed or defective	Class 1, 2	Level 5
(h) clause 29, motor vehicle not fitted or equipped with seatbelts or seatbelt anchorages	Class 1, 2	Level 5
(i) clause 61, number-plates not affixed and displayed correctly (including obscured, defaced, illegible or illegal number-plates) in the case of a class A motor vehicle	Class 1, 2	Level 6

Road Transport (Vehicle Registration) Regulation 2007

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
(j) clause 61, number-plates not affixed and displayed correctly (including obscured, defaced, illegible or illegal number-plates) in the case of a class B motor vehicle or class C motor vehicle	Class 1, 2	Level 8
(k) clauses 133–135 or 137–142, defective brakes	Class 1, 2	Level 5
(l) clause 136, defective brake other than a defective emergency brake	Class 1, 2	Level 5
(m) clauses 155–160, undue emission, inefficient silencer or excessive noise	Class 1, 2	Level 3
(n) clause 162, defective LPG or CNG equipment or labelling	Class 1, 2	Level 3
(o) clauses 168–179, road train equipment offences	Class 1, 2	Level 3
Clause 52 (1) (b)	Class 1, 2	Level 3
Clause 55A	Class 1, 2	Level 8
Clause 58 (9); Clause 59 (5)	Class 1, 2	Level 4
Clause 70 (4)	Class 1, 2	Level 5
Clause 71 (5), Clause 84 (2), in the case of a minor defect notice	Class 1, 2	Level 5
Clause 76AC (1)	Class 1, 2	Level 9
Clause 76AD (2); Clause 76AD (3); Clause 76AL (1); Clause 76AL (2); Clause 76AL (3)	Class 2	Level 8
Clause 76AD (4)	Class 2	Level 5
Clause 76AI (5); Clause 76AM (2); Clause 76AM (3); Clause 76AN (1); Clause 76AN (2)	Class 2	Level 9
Clause 84 (2), in the case of a major defect notice	Class 1, 2	Level 6
Clause 84 (3); Clause 84 (5)	Class 1, 2	Level 8
Clause 85 (1) (a), Clause 85 (2), in the case of a class A motor vehicle	Class 1, 2	Level 6
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
Clause 85 (1), Clause 85 (2), Clause 85 (3), in the case of a class B motor vehicle or class C motor vehicle	Class 1, 2	Level 8

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Road Transport (General) Regulation 2013

Schedule 5 Penalty notice offences

Road Transport (Vehicle Registration) Regulation 2007

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Clause 83K (2); Clause 83N (1); Clause 83N (2); Clause 83O; Clause 83W	Class 1, 2	Level 5
Clause 83R	Class 2	Level 8
Clause 83U	Class 2	Level 12

Road Transport (General) Regulation 2013

Penalty notice offences

Schedule 5

Roads Act 1993

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Section 115 (4)	Class 1, 2, 14	Level 2