

# Road Transport (General) Regulation 2005

[2005-606]



New South Wales

## Status Information

### Currency of version

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Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Does not include amendments by**  
[Road Transport \(General\) Amendment \(Novice Drivers\) Regulation 2007 \(242\)](#) (GG No 76 of 8.6.2007, p 3659) (not commenced — to commence on 1.7.2007)

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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New South Wales

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# Road Transport (General) Regulation 2005



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Road Transport (General) Regulation 2005*.

### 2 Commencement

This Regulation commences on 30 September 2005.

### 3 Definitions

(1) In this Regulation:

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

**school zone** means a school zone (as defined in rule 23 (2) of the *Australian Road Rules*), but only during any period in which the speed limit indicated by a school zone sign has effect, as referred to in clause 13 of Schedule 1 to the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

**the Act** means the *Road Transport (General) Act 2005*.

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

## Part 2 Road transport legislation

### Division 1 Database of declarations and orders concerning operation of road transport legislation

#### 4 Information to be maintained on database of declarations and orders

For the purposes of the database referred to in section 18 (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 Part 2.2 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**

(1) For the purposes of section 18 (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 for road transport legislation**

### **6 Service of notices on persons under [Road Transport \(Driver Licensing\) Act 1998](#)**

(1) For the purposes of sections 239 (3) and 240 (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 residential address, or the address for service of notices (if any) recorded in the driver licence register.

(3) The date on which a person is taken to have been given or served with a notice under a regulation made under the [Road Transport \(Driver Licensing\) Act 1998](#) is:

(a) if the notice is sent by mail—the fourth working day after the notice was posted, or

(b) if the notice was delivered to the person personally—the date when it is so delivered.

(4) If a person's residential 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 law of another jurisdiction that corresponds with subclause (4), it may act on behalf of the driver licensing authority of that jurisdiction accordingly.

(6) If it is provided in a regulation made under the [Road Transport \(Driver Licensing\) Act](#)

1998 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 the regulation concerned.

(7) In this clause:

**corresponding law** has the same meaning as it has in the *Road Transport (Driver Licensing) Act 1998*.

**driver licence register** has the same meaning as it has in the *Road Transport (Driver Licensing) Act 1998*.

**driver licensing law** means:

- (a) the *Road Transport (Driver Licensing) Act 1998*, and
- (b) any regulation made under that Act.

**jurisdiction** has the same meaning as it has in the *Road Transport (Driver Licensing) Act 1998*.

## **7 Service of notices on registered operators and delivery of things to Authority under the Road Transport (Vehicle Registration) Act 1997**

- (1) For the purposes of sections 239 (3) and 240 (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.
- (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 residential address, or to the address for service of notices recorded in the 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 a regulation made under the *Road Transport (Vehicle Registration) Act 1997* 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 it is provided in a regulation made under the *Road Transport (Vehicle Registration) Act 1997* 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 the regulation concerned.

(5) In this clause:

**Register** has the same meaning as it has in the *Road Transport (Vehicle Registration) Act 1997*.

**residential address** has the same meaning as it has in the *Road Transport (Vehicle Registration) Act 1997*.

**Note—**

Section 4 of the *Road Transport (Vehicle Registration) Act 1997* defines **residential address**, in relation to a company or other body corporate, to mean its registered office or any place recorded in the Register as its residential address or business address.

**vehicle registration law** means:

- (a) the *Road Transport (Vehicle Registration) Act 1997*, and
- (b) any regulation made under that Act.

## **8 Notices to unincorporated associations in connection with mobility parking scheme authorities**

The Authority may give a notice to, or serve a notice on, an unincorporated association of persons under the provisions of any regulation made under the road transport legislation that provides for mobility parking scheme authorities 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 under the regulation concerned or subsequently notified to the Authority.

## **Division 3 Miscellaneous**

### **9 Inconsistent legislation—*Royal Botanic Gardens and Domain Trust Act 1980***

For the purposes of section 14 (3) 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 Inconsistent legislation—*Local Government Act 1993***

For the purposes of section 14 (3) 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 Appeals to Local Court

### Division 1 General

#### 11 Definitions

In this Part:

**examiner's authority** has the same meaning as it has in the *Road Transport (Vehicle Registration) Regulation 1998*.

**foreign driver licence** has the same meaning as it has in the *Road Transport (Driver Licensing) Regulation 1999*.

**proprietor's authority** has the same meaning as it has in the *Road Transport (Vehicle Registration) Regulation 1998*.

**vehicle registration law** means:

- (a) the *Road Transport (Vehicle Registration) Act 1997*, and
- (b) the *Road Transport (Vehicle Registration) Regulation 1998*.

#### 12 Application of Part

This Part, instead of section 241 of the Act, applies to the decisions to which this Part refers. Accordingly, section 241 of the Act does not apply to those decisions.

**Note—**

See section 242 (1) (d) and (2) of the Act.

### Division 2 Appeals concerning vehicle registration

#### 13 Appeals concerning examiner's authorities and proprietor's authorities

- (1) Any person aggrieved by a decision of the Authority under the *Road Transport (Vehicle Registration) Regulation 1998* to refuse to issue an examiner's authority or a proprietor's authority or to suspend or cancel such an authority, being a decision notified to the person under clause 69 of the *Road Transport (Vehicle Registration) Regulation 1998*, may appeal against the decision to a Local Court by lodging a notice of appeal with the registrar of any such Court:
  - (a) except as provided by paragraph (b)—not later than 21 days after being so notified, or
  - (b) in the case of a suspension or cancellation of an authority to which clause 69 (6) of the *Road Transport (Vehicle Registration) Regulation 1998* applies—before the date on which the cancellation or suspension would, but for the appeal, take effect.

- (2) A notice of appeal under this clause is to specify the grounds of the appeal.
- (3) The registrar of the Local Court must give notice of the time and place of the hearing of any appeal under this clause to the Authority and to the appellant, and in the notice to the Authority is to inform the Authority of the grounds of the appeal.
- (4) The time of the hearing of an appeal under this clause must be not earlier than 21 days after the date on which the notice under subclause (3) is given to the Authority.
- (5) The hearing of an appeal under this clause may proceed despite any omission or error in a notice under subclause (3), or the failure to give any such notice, if the Court is satisfied that the appellant and the Authority had knowledge of the time and place of the hearing and were not prejudiced by any such omission or error or by the failure to give any such notice.
- (6) A report furnished under clause 68 of the *Road Transport (Vehicle Registration) Regulation 1998* to the Authority, and certified by the Authority to have been so furnished, is to be received in proceedings before a Local Court in respect of an appeal under this clause as evidence of the contents of the report.

#### **14 Determination of appeals concerning examiner's authorities and proprietor's authorities**

- (1) A Local Court is to hear and determine an appeal made to it under clause 13 and may confirm (with or without variation) or disallow the decision appealed against, or make such other order in the circumstances as to the Court seems just.
- (2) For the purposes of varying a decision of the Authority under subclause (1), the Court may exercise only such powers as the Authority could have exercised under the *Road Transport (Vehicle Registration) Regulation 1998* when making that decision.
- (3) The decision of a Local Court in respect of an appeal made under clause 13 is final and is binding on the appellant and on the Authority.

#### **15 Appeals against certain registration decisions**

- (1) Any person aggrieved by any of the following decisions of the Authority may appeal against the decision to a Local Court:
  - (a) a decision of the Authority to refuse to grant or renew the registration of a registrable vehicle under the vehicle registration law,
  - (b) a decision of the Authority to vary the conditions of the registration of a registrable vehicle under the vehicle registration law,
  - (c) a decision of the Authority to suspend the registration of a registrable vehicle under the vehicle registration law,

- (d) a decision of the Authority to cancel the registration of a registrable vehicle under the vehicle registration law,
  - (e) a decision of the Authority to suspend the operation of clause 9 or 11 of Schedule 1 to the *Road Transport (Vehicle Registration) Regulation 1998* in relation to a registrable vehicle.
- (2) Notice of any such appeal specifying the grounds of the appeal must be lodged with the registrar of the Local Court to which the appeal is being made not later than 21 days after the date on which the appellant was notified by the Authority of the decision appealed against.
  - (3) The registrar of the Local Court must give notice of the time and place of the hearing of any such appeal to the Authority and to the appellant, and in the notice to the Authority must inform the Authority of the grounds of the appeal.
  - (4) The hearing of an appeal may proceed despite any omission or error in a notice under subclause (3), or the failure to give any such notice, if the Local Court is satisfied that the appellant and the Authority had knowledge of the time and place of the hearing and were not prejudiced by any such omission or error or by the failure to give any such notice.
  - (5) This clause does not apply to the suspension or cancellation of the registration of a vehicle, or the refusal to exercise a function, under Part 4 of the *Fines Act 1996*.

#### **16 Determination of appeals against certain registration decisions**

- (1) A Local Court must hear and determine an appeal made to it under clause 15 and may confirm (with or without variation) or disallow the decision appealed against, or make such other order in the circumstances as to the Court seems just.
- (2) For the purposes of varying a decision of the Authority under subclause (1), the Court may exercise only such powers as the Authority could have exercised under the vehicle registration law when making that decision.
- (3) The decision of a Local Court in respect of an appeal made under clause 15 is final and binding on the appellant and on the Authority.

### **Division 3 Appeals against decision of Authority concerning driver licensing**

#### **17 Authority to ensure notification of appeal rights**

- (1) In this Division, **affected person** means an applicant for a driver licence, the holder of an Australian driver licence or the holder of a foreign driver licence.
- (2) If an affected person is eligible to appeal to a Local Court under clause 18, the

Authority must advise the person of the person's right to appeal.

### **18 Appeals concerning driver licensing**

- (1) An affected person may appeal to a Local Court against any of the following decisions of the Authority:
  - (a) a decision not to take into account, under clause 8 (3) of the *Road Transport (Driver Licensing) Regulation 1999*, some or all of the period the person has held a licence to drive a motor vehicle in an external Territory or another country,
  - (b) a decision not to grant an application for the issue, variation or renewal of a driver licence under the *Road Transport (Driver Licensing) Regulation 1999*, not being a decision made under clause 18 (2) (d) of that Regulation,
  - (c) a decision to suspend or cancel the person's driver licence under section 17 or 33 of the *Road Transport (Driver Licensing) Act 1998*,
  - (d) a decision to vary the person's driver licence under clause 19 or 38 of the *Road Transport (Driver Licensing) Regulation 1999*,
  - (e) a decision to suspend or cancel the person's driver licence under clause 15, 15A or 38 of the *Road Transport (Driver Licensing) Regulation 1999*.
- (2) Despite subclause (1) (c)-(e), an affected person may not appeal to a Local Court against a decision of the Authority to cancel the person's interlock driver licence under the *Road Transport (Driver Licensing) Regulation 1999*.
- (3) An affected person may appeal to a Local Court against a decision of the Authority, based on an opinion formed by the Authority under clause 55 (2) (e) or (f) of the *Road Transport (Driver Licensing) Regulation 1999*, that the person has ceased to be exempt from the requirements of the *Road Transport (Driver Licensing) Act 1998* and that Regulation.
- (4) Despite any other provision of this clause, an appeal under this clause does not permit review of:
  - (a) the guilt or innocence of the person concerned, or
  - (b) the imposition of a penalty or the level of a penalty imposed on the person concerned.

#### **Note—**

The effect of this provision is that, for example, in an appeal against a suspension or cancellation action taken under section 17 of the *Road Transport (Driver Licensing) Act 1998* against the holder of a provisional driver licence because of demerit points, the Local Court cannot revisit the issue of an offence in relation to which the demerit points were incurred or the imposition of a penalty in relation to such an offence. In any such case, the Local Court may exercise only the powers that the Authority could exercise under section 17 of that Act (see clause 20 (4)).

- (5) Notice of any such appeal specifying the grounds of the appeal must be lodged with the registrar of the Local Court to which the appeal is being made not later than 28 days after the date on which the appellant was notified pursuant to clause 17.
- (6) The registrar of the Local Court must give notice of the time and place of the hearing of any such appeal to the Authority and to the appellant, and in the notice to the Authority must inform the Authority of the grounds of appeal.
- (7) The hearing of the appeal may proceed despite any omission or error in a notice under subclause (6), or the failure to give any such notice, if the Court is satisfied that the appellant and the Authority had knowledge of the time and place of the hearing and were not prejudiced by any such omission or error or by the failure to give any such notice.

#### **19 Affected person entitled to be given reasons**

- (1) An affected person who is entitled under clause 18 to appeal to a Local Court against a decision of the Authority may apply to the Authority for written reasons for the decision.
- (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 person may lodge a notice of appeal under clause 18.
- (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).

#### **20 Determination of appeals concerning driver licensing**

- (1) A Local Court must hear and determine an appeal made to it under clause 18 and may confirm (with or without variation) or disallow the decision appealed against, or make such other order in the circumstances as to the Court seems just.
- (2) A Local Court may allow an appeal against a decision to suspend a person's driver licence under the *Road Transport (Driver Licensing) Regulation 1999* on the grounds referred to in clause 38 (1A) 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.
- (3) 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 (2) (b).
- (4) For the purposes of varying a decision of the Authority under subclause (1), the Court may exercise only such powers as the Authority could have exercised under the *Road Transport (Driver Licensing) Act 1998* or the *Road Transport (Driver Licensing) Regulation 1999* when making that decision.
- (5) If in any proceedings concerning a decision of the Authority about a licence it appears to the Court that:
  - (a) the licence is affected by another decision of the Authority as well as the one under review in those proceedings, and
  - (b) the appellant has commenced or intends to commence appeal proceedings under this clause in respect of that other decision,the Court may adjourn the proceedings pending hearing of that other appeal or so that both appeals may be heard together.
- (6) The decision of a Local Court in respect of an appeal made under clause 18 is final and binding on the appellant and the Authority.

## **21 Stay of decision pending appeal**

- (1) This clause applies to the following decisions:
  - (a) a decision by the Authority to suspend, vary or cancel a driver licence under the *Road Transport (Driver Licensing) Act 1998* on any ground other than medical unfitness or incompetence to drive a motor vehicle,
  - (b) a decision by the Authority that an exemption under the *Road Transport (Driver Licensing) Act 1998* from a requirement to hold a driver licence no longer applies to a person.
- (2) If an affected person appeals against a 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.

## **Division 4 Appeals against decision of police officer concerning licence suspension**

### **22 Appeals concerning police officer suspension notices**

- (1) A person may appeal to a Local Court against a decision of a police officer to give the person a suspension notice under section 205 or 206 of the Act.
- (2) Despite any other provision of this clause, an appeal under this clause does not permit review of:
  - (a) the guilt or innocence of the person concerned, or
  - (b) the imposition of a penalty or the level of a penalty imposed on the person concerned.
- (3) Notice of any such appeal specifying the grounds of the appeal must be lodged with the registrar of the Local Court to which the appeal is being made not later than 28 days after the date on which the appellant is given the suspension notice.
- (4) The registrar of the Local Court must give notice of the time and place of the hearing of any such appeal to the Commissioner of Police and to the appellant, and in the notice to the Commissioner must notify the Commissioner as to the grounds of appeal.
- (5) The hearing of the appeal may proceed despite any omission or error in a notice under subclause (4), or the failure to give any such notice, if the Court is satisfied that the appellant and the Commissioner had knowledge of the time and place of the hearing and were not prejudiced by any such omission or error or by the failure to give any such notice.

### **23 Determination of appeals concerning police suspension notices**

- (1) A Local Court must hear and determine an appeal made to it under clause 22 and may confirm (with or without variation) or disallow the decision appealed against, or make such other order in the circumstances as to the Court seems just.
- (2) In determining an appeal made under clause 22, a Local Court is not to vary or set aside a decision to issue a suspension notice unless it is satisfied that there are exceptional circumstances justifying a lifting or variation of the suspension.
- (3) For the purposes of varying a decision under this clause, the Court may exercise only such powers as the police officer could have exercised under section 205 or 206 of the

Act when making that decision.

- (4) If in any proceedings concerning a decision of a police officer to issue a suspension notice 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 clause 18 in respect of that other decision,the Court may adjourn the proceedings pending hearing of that other appeal or so that both appeals may be heard together.
- (5) The decision of a Local Court in respect of an appeal made under clause 22 is final and binding on the appellant and the Commissioner of Police.

#### **24 Stay of decision**

- (1) If a person makes an appeal to a Local Court under clause 22 (1) against a decision of a police officer to give the person a suspension notice, the Local Court may make an order staying the decision, but only in exceptional circumstances.
- (2) In determining exceptional circumstances for the purposes of subclause (1), a 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.

### **Division 5 Other appeals and applications**

#### **25 Appeals against driver fatigue and revocation of certain approvals**

- (1) A person dissatisfied with a decision that has been reconsidered by the Authority under clause 139 of the *Road Transport (Safety and Traffic Management) (Driver Fatigue) Regulation 1999* may appeal against the decision to a Local Court by lodging a notice of appeal with the registrar of any such Court not later than 28 days after being notified of the decision.
- (2) A person dissatisfied with a decision of the Authority to revoke an approval within the meaning of Part 7 (Interlock devices) of the *Road Transport (Driver Licensing) Regulation 1999* may appeal against the decision to a Local Court by lodging a notice of appeal with the registrar of any such Court not later than 28 days after receiving notice of the revocation.



- (3) A notice of appeal under this clause is to specify the grounds of the appeal.
- (4) The registrar of a Local Court must give notice of the time and place of the hearing of any appeal under this clause to the Authority and to the appellant, and in the notice to the Authority is to inform the Authority of the grounds of the appeal.
- (5) The time of the hearing of an appeal under this clause must be not earlier than 21 days after the date on which the notice under subclause (4) is given to the Authority.
- (6) The hearing of an appeal under this clause may proceed despite any omission or error in a notice under subclause (4), or the failure to give any such notice, if the Court is satisfied that the appellant and the Authority had knowledge of the time and place of the hearing and were not prejudiced by any such omission or error or by the failure to give any such notice.

## **26 Determination of appeals concerning driver fatigue or revocation of approvals**

- (1) A Local Court is to hear and determine an appeal made to it under clause 25 and may confirm (with or without variation) or disallow the decision appealed against, or make such other order in the circumstances as to the Court seems just.
- (2) The decision of a Local Court in respect of an appeal made under clause 25 is final and is binding on the appellant and on the Authority.

## **27 Release of impounded vehicle on application to Local Court**

- (1) An application may be made by any person to a Local Court for the release of a vehicle impounded under section 218 or 219 of the Act into the person's custody.
- (2) An application under this clause stays any order or direction for forfeiture or disposal of the vehicle.
- (3) An application under this clause may be made whether or not an application has been made to the Commissioner of Police under section 223 of the Act.
- (4) The Local Court is entitled in any case to have regard not only to the public interest but to any alleged hardship or other circumstances of the case.
- (5) Subclause (4) applies even though the Commissioner of Police may have refused an application under section 223 of the Act, and the Court may affirm, quash or vary the decision of the Commissioner as justice requires.
- (6) An applicant to whom a vehicle is released by order of the Court must in writing acknowledge receipt of the vehicle from the custody of the Commissioner.
- (7) The Court may determine whether or not the prescribed fees for storage of the vehicle by the Commissioner, or some of those fees, are payable by the applicant to the Commissioner.

## 28 Appeals concerning Accreditation Schemes

- (1) Any person aggrieved by any of the following decisions of the Authority may, after an internal review of the decision is finalised, appeal against the decision to a Local Court:
  - (a) a decision of the Authority under the *Road Transport (Vehicle Registration) Regulation 1998* to vary, suspend or cancel a registered operator's accreditation under a Maintenance Management Accreditation Scheme under Part 6 of Chapter 5 of that Regulation,
  - (b) 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,
  - (c) a decision of the Authority under the *Road Transport (Vehicle Registration) Regulation 1998* to vary, suspend or cancel a registered operator's accreditation under the Hire Trailer Maintenance Management Accreditation Scheme under Part 7 of Chapter 5 of that Regulation.
- (2) Notice of such an appeal specifying the grounds of the appeal must be lodged with the registrar of the Local Court to which the appeal is being made not later than 21 days after the internal review of the decision being appealed against was finalised.
- (3) The registrar of the Local Court must give notice of the time and place of the hearing of the appeal to the Authority and to the appellant, and in the notice to the Authority is to inform the Authority of the grounds of the appeal.
- (4) The time of the hearing of the appeal must be not earlier than 21 days after the date on which the notice under subclause (3) is given to the Authority.
- (5) The hearing of the appeal may proceed despite any omission or error in a notice under subclause (3), or the failure to give any such notice, if the Court is satisfied that the appellant and the Authority had knowledge of the time and place of the hearing and were not prejudiced by any such omission or error or by the failure to give any such notice.
- (6) In this clause, **internal review** means:
  - (a) in relation to a decision of the Authority under the *Road Transport (Vehicle Registration) Regulation 1998* to vary, suspend or cancel a registered operator's accreditation under a Maintenance Management Accreditation Scheme under Part 6 of Chapter 5 of that Regulation—an internal review under clause 78E of that Regulation, and
  - (b) in relation to a decision of the Authority under the *Road Transport (Mass, Loading*

*and Access) Regulation 2005*—an internal review under clause 72 of that Regulation, and

- (c) in relation to a decision of the Authority under the *Road Transport (Vehicle Registration) Regulation 1998* to vary, suspend or cancel a registered operator's accreditation under the Hire Trailer Maintenance Management Accreditation Scheme under Part 7 of Chapter 5 of that Regulation—an internal review under clause 78K of that Regulation.

## 29 Determination of appeals concerning Accreditation Schemes

- (1) A Local Court is to hear and determine an appeal made to it under clause 28 and may confirm (with or without variation) or disallow the decision appealed against, or make such other order in the circumstances as to the Court seems just.
- (2) For the purposes of varying a decision of the Authority under subclause (1), the Court may exercise only such powers as the Authority could have exercised under the *Road Transport (Vehicle Registration) Regulation 1998* or the *Road Transport (Mass, Loading and Access) Regulation 2005* when making that decision.
- (3) The decision of a Local Court in respect of an appeal made under clause 28 is final and is binding on the appellant and on the Authority.

## Part 4 Written off and wrecked vehicles

### 30 Definitions

In this Part:

**auto-dismantler** has the same meaning as it has in Division 2 of Part 6.2 of the Act.

**dealer** has the same meaning as it has in Division 2 of Part 6.2 of the Act.

**insurer** has the same meaning as it has in Division 2 of Part 6.2 of the Act.

**motor bike** has the same meaning as it has in the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

**motor car** means a motor vehicle (except a motor bike) that is constructed principally for the conveyance of persons.

**motor lorry** has the same meaning as it has in the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

**registration number** of a motor vehicle includes, in the case of a vehicle the registration of which has expired, the registration number of the vehicle immediately before its registration expired.

**relevant identification information** for any motor vehicle means the following:

- (a) the registration number of the vehicle,
- (b) the vehicle identifier of the vehicle,
- (c) the make of the vehicle,
- (d) whether the vehicle is a:
  - (i) motor car, or
  - (ii) motor lorry, or
  - (iii) motor bike, or
  - (iv) trailer,
- (e) whether the damage to the vehicle was caused by hail, water, impact, fire or professional stripping,
- (f) the location and severity of the damage to the vehicle described by reference to such codes or terms as may be approved by the Authority from time to time,
- (g) the extent to which the damage to the vehicle is repairable described by reference to such codes or terms as may be approved by the Authority from time to time.

**vehicle identifier** has the same meaning as it has in Division 2 of Part 6.2 of the Act.

**wrecked** has the same meaning as it has in Division 2 of Part 6.2 of the Act.

**written off** has the same meaning as it has in Division 2 of Part 6.2 of the Act.

### **31 Definition of “wrecked” in section 253 of Act**

A motor vehicle in any of the following states or conditions, or damaged in the following manner, is prescribed as **wrecked** for the purposes of section 253 (b) of the Act:

- (a) a motor vehicle (other than a motor bike) that is:
  - (i) immersed in salt water for any period above the doorsill level, or
  - (ii) immersed in fresh water up to the dashboard or steering wheel for more than 48 hours,
- (b) a motor bike that is:
  - (i) fully immersed in salt water for any period, or
  - (ii) fully immersed in fresh water for more than 48 hours,
- (c) a motor vehicle that is burnt to such an extent that it is fit only for wrecking or scrap,

- (d) a motor vehicle that is stripped of all, or a combination of most, interior and exterior body parts, panels and components (for example, engine, wheels, bonnet, guards, doors, boot lid),
- (e) a motor vehicle that is damaged by collision, fire, flood, accident, trespass or other event to the extent that its fair salvage value plus the cost of repairing the vehicle for use on a road or road related area would be more than the fair market value of the vehicle immediately before the event that caused the damage.

### **32 Prescribed information to be given to Authority by insurers**

- (1) The following information is prescribed as the information that must be given under section 256 (1) of the Act to the Authority in respect of each late model motor vehicle written off (anywhere in Australia) in the course of the business carried on by an insurer:
  - (a) the relevant identification information for the vehicle,
  - (b) the date on which the vehicle is written off by the insurer,
  - (c) the name and address of the insurer,
  - (d) the telephone and facsimile numbers (if any) of the insurer (unless the information is lodged electronically with the Authority),
  - (e) if the insurer has a customer number issued to it by the Authority and the information is lodged with the Authority in paper form—the customer number of the insurer,
  - (f) the name and driver licence number (if any) of the person providing the information if that person is providing the information on behalf of the insurer,
  - (g) the date on which the information referred to in paragraphs (a)–(f) is provided.
- (2) This clause does not apply in respect of a late model motor vehicle that is:
  - (a) a motor vehicle that has a tare weight greater than 5 tonnes, or
  - (b) a trailer that has a tare weight greater than 2.5 tonnes.

### **33 Prescribed information to be given to Authority by auto-dismantlers**

- (1) The following information is prescribed as the information that must be given under section 257 (1) of the Act to the Authority in respect of each late model motor vehicle written off (anywhere in Australia) in the course of the business carried on by an auto-dismantler:
  - (a) the relevant identification information for the vehicle,

- (b) the date on which the auto-dismantler commenced work in the course of the auto-dismantler's business for the purpose of demolishing or dismantling the vehicle,
  - (c) the name and address of the auto-dismantler,
  - (d) the telephone and facsimile numbers (if any) of the auto-dismantler (unless the information is lodged electronically with the Authority),
  - (e) if the auto-dismantler has a customer number issued to the auto-dismantler by the Authority and the information is lodged with the Authority in paper form—the customer number of the auto-dismantler,
  - (f) the name and driver licence number (if any) of the person providing the information if that person is providing the information on behalf of the auto-dismantler,
  - (g) the date on which the information referred to in paragraphs (a)–(f) is provided.
- (2) This clause does not apply in respect of a late model motor vehicle that is:
- (a) a motor vehicle that has a tare weight greater than 5 tonnes, or
  - (b) a trailer that has a tare weight greater than 2.5 tonnes.

#### **34 Prescribed information to be given to Authority by dealers**

- (1) The following information is prescribed as the information that must be given under section 258 (1) of the Act to the Authority in respect of each late model motor vehicle that is in the care, custody or control (anywhere in Australia) of a dealer and that has been written off:
- (a) the relevant identification information for the vehicle,
  - (b) the date on which the vehicle came into the care, custody or control of the dealer,
  - (c) the name and address of the dealer,
  - (d) the telephone and facsimile numbers (if any) of the dealer (unless the information is lodged electronically with the Authority),
  - (e) if the dealer has a customer number issued to the dealer by the Authority and the information is lodged with the Authority in paper form—the customer number of the dealer,
  - (f) the name and driver licence number (if any) of the person providing the information if that person is providing the information on behalf of the dealer,
  - (g) the date on which the information referred to in paragraphs (a)–(f) is provided.
- (2) This clause does not apply in respect of a late model motor vehicle that is:

- (a) a motor vehicle that has a tare weight greater than 5 tonnes, or
- (b) a trailer that has a tare weight greater than 2.5 tonnes.

### **35 Section 257 of Act not to apply to certain vehicles**

Section 257 of the Act does not apply to any motor vehicle that is demolished or dismantled by an auto-dismantler if the auto-dismantler obtained the vehicle from an insurer or dealer who is or was required to provide information to the Authority concerning the vehicle under section 256 or 258 of the Act.

## **Part 5 Impounded vehicles**

### **36 Impounding fee**

For the purposes of section 223 (2) (a) of the Act, the prescribed fee for storage of an impounded vehicle is the fee prescribed by Schedule 1.

### **37 Towing fee for impounded vehicles**

- (1) A fee is payable to the Commissioner of Police by the responsible person for a vehicle that is towed under section 218 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 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 relevant offence under section 40 or 41 of the *Road Transport (Safety and Traffic Management) Act 1999*, or
  - (b) a penalty notice, issued under Part 5.3 of the Act in relation to the alleged offence, is dealt with by payment of the penalty prescribed under that Part 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).
- (7) A court:
- (a) before which proceedings for an alleged offence under section 40 or 41 of the *Road Transport (Safety and Traffic Management) Act 1999* are brought, or
  - (b) to which application is made under section 224 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.

### **38 Disposal of impounded vehicles or vehicles forfeited to the Crown**

- (1) If a vehicle that was impounded under section 218 or 219 of the Act has not been released, in accordance with Division 2 of Part 5.5 of the Act, at the end of the period for which it was liable to be impounded, the Commissioner 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 217 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 227 of the Act, a vehicle that has been forfeited to the Crown under section 219 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 223 of the Act remains undetermined by the Commissioner or while any application under section 224, 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 for payment to the person of the balance of the proceeds of sale of the vehicle, after deduction of any storage fees payable under the Act and the reasonable costs of or incidental to the sale.
- (5) The balance of the proceeds of sale may be paid by the Commissioner 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 6 Penalty notice offences

### 39 Definitions

- (1) In this Part:

**area of operations**, in relation to a declared organisation, means the area of operations specified in relation to that organisation in Column 2 of Schedule 3 to the [Road Transport \(Safety and Traffic Management\) \(Road Rules\) Regulation 1999](#).

**Australian Road Rules** has the same meaning as it has in the [Road Transport \(Safety and Traffic Management\) \(Road Rules\) Regulation 1999](#).

**authorised officer** means an officer of a class referred to in Schedule 2, being a person who satisfies the criteria specified in that Schedule in respect of an officer of that class.

**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.

**declared organisation** means an organisation specified in Column 1 of Schedule 3 to the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

**GCM** has the same meaning as it has in the *Road Transport (Safety and Traffic Management) Act 1999*.

**GVM** has the same meaning as it has in the *Road Transport (Safety and Traffic Management) Act 1999*.

**heavy motor vehicle** has the same meaning as it has in the *Road Transport (Safety and Traffic Management) Act 1999*.

**local council** means the council of a local government area.

**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 2 are prescribed as authorised officers for the purposes of paragraph (c) of the definition of **authorised officer** in section 3 (1) of the Act, but only in relation to the functions conferred on authorised officers by section 183 of the Act.
- (3) Words and expressions that are used in Schedule 2 in connection with a provision of an Act or instrument have the same meanings in that Schedule as they have in that provision.

#### **40 Penalty notice offences**

- (1) For the purposes of section 183 of the Act:
  - (a) each offence:
    - (i) that is created by a provision specified in Column 1 of Schedule 3, and
    - (ii) for which an amount of penalty is specified in Column 3 of Schedule 3, is declared to be a penalty notice offence, and
  - (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 3, and
  - (c) the prescribed penalty for such an offence is the amount of penalty specified in relation to the offence in Column 3 of Schedule 3.
- (2) If the reference to a provision in Column 1 of Schedule 3 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.
- (3) Despite subclause (1) (b):
  - (a) an authorised officer who is an officer or employee of a local 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.
- (4) Subclause (3) does not prevent an authorised officer who is an officer or employee of a local 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 183 of the Act (that is, those persons who may issue penalty notices for the penalty notice offences prescribed by subclause (1) (a)). Under section 183 (1), police officers are empowered to issue penalty notices for all such

offences.

#### **41 Penalty levels**

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

**Level 1** means a penalty of \$51.

**Level 2** means a penalty of \$77.

**Level 3** means a penalty of \$128.

**Level 4** means a penalty of \$179.

**Level 5** means a penalty of \$231.

**Level 6** means a penalty of \$308.

**Level 7** means a penalty of \$384.

**Level 8** means a penalty of \$461.

**Level 9** means a penalty of \$590.

**Level 10** means a penalty of \$743.

**Level 11** means a penalty of \$923.

**Level 12** means a penalty of \$974.

**Level 13** means a penalty of \$1,205.

**Level 14** means a penalty of \$1,589.

**Level 15** means a penalty of \$1,750.

**Level 16** means a penalty of \$2,409.

**Level 17** means a penalty of \$2,700.

#### **42 Offence: unlawful destruction of penalty notices**

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 Part 5.3 of the Act.

Maximum penalty: 20 penalty units.

### **Part 7 Miscellaneous**

#### **43 (Repealed)**

#### 44 Prescribed speeding offences

The following offences are prescribed for the purposes of the definition of **prescribed speeding offence** in section 3 (1) of the Act:

- (a) in relation to section 187 (4) (a) of the Act—a speeding offence within the meaning of clause 154 of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*, or
- (b) in relation to section 198 (1) (a) (ii) of the Act—a speeding offence within the meaning of clause 154 of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* committed in the circumstances referred to in clause 154 (3) of that Regulation.

#### 45 Statutory declarations by registered owners and operators

- (1) For the purposes of the giving of a statutory declaration under section 80 (4) of the Act:
  - (a) the prescribed period is the period of 14 days after the registered operator or owner is formally notified of the commission of the offence (whether by way or service of a penalty notice or a court attendance notice or otherwise), and
  - (b) the prescribed manner of giving the statutory declaration is the following:
    - (i) if the registered operator or owner is a body corporate—the statutory declaration is made and given by a member or officer of the body corporate authorised by the body corporate to give statutory declarations under section 80 of the Act on behalf of the body corporate,
    - (ii) if the registered operator or owner is not a body corporate—the statutory declaration is made and given by the registered operator (or one of the registered operators) or owner (or one of the owners), and
  - (c) the prescribed information is the information required by subclause (2).
- (2) The statutory declaration must:
  - (a) state that the declaration is made under section 80 (4) of the Act, and
  - (b) state that the person making the declaration (or the relevant body corporate) is the registered operator or owner of the vehicle or combination concerned, and
  - (c) state that the registered operator or owner of the vehicle or combination was not operating the vehicle or combination at the time of the offence, and
  - (d) state the name and address of the person who was operating the vehicle or combination at the time of the offence.

- (3) A statutory declaration that complies with this clause is admissible in any proceedings as evidence of the matters stated in it.

#### **46 Withdrawal of formal warnings**

The class of persons comprising the Enforcement Litigation Inspection Program Services section of the Authority is prescribed as a class of persons who may, under section 106 of the Act, withdraw a formal warning given under section 105 of the Act.

#### **47 Fees for information from records of Authority**

- (1) The Authority may issue information from its records (including a certificate under section 230 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.

#### **48 Offence: failure to comply with order, notice, direction, requirement or request**

- (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 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 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.

#### **49 Offence: false or misleading information**

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

Maximum penalty: 20 penalty units.

#### **50 General defence of accident or reasonable effort**

A person is not liable to a penalty for any offence under this Regulation if the person proves to the satisfaction of the court dealing with the case that the offence:

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

#### **51 Repeals and savings**

- (1) The following regulations are repealed:

- (a) the *Road Transport (General) Regulation 1999*,
  - (b) the *Road Transport (General) (Penalty Notice Offences) Regulation 2002*.
- (2) Any act, matter or thing that, immediately before the repeal of a regulation by subclause (1), had effect under the regulation concerned is taken to have effect under this Regulation.
- (3) Without limiting subclause (2):
- (a) an appeal made under Part 1 of Schedule 2 to the *Road Transport (General) Regulation 1999* and not finally determined on the repeal of that Regulation is taken to have been made under Part 3 of this Regulation and may be heard and determined accordingly, and
  - (b) a person who was an authorised officer of a particular class for the purposes of the *Road Transport (General) (Penalty Notice Offences) Regulation 2002* immediately before the repeal of that Regulation is taken to be an authorised officer of that class for the purposes of Schedule 2.

## 52 Transitional provision

A person who, immediately before the commencement of the *Road Transport (General) Act 2005*, was an authorised officer referred to in paragraph (a) or (b) of the definition of that term in the Dictionary to the *Roads Act 1993* is taken, until 30 June 2006, to be an authorised officer for the purposes of the *Road Transport (General) Act 2005*.

## Schedule 1 Fees and other charges

(Clauses 5, 36 and 47)

Fee or charge category	Provision prescribing fee or charge	Amount payable (\$)
1 Access to information contained in database of declarations and orders maintained under section 18 (3) of the Act	clause 5 (1)	17
2 Daily storage fee for motor vehicle or trailer under section 223 (2) (a) of the Act	clause 36	16
3 Information from records of the Authority (including certificates and other documents issued under section 230 of the Act)	clause 47	17

## Schedule 2 Authorised officers

(Clause 39)

**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 Treasury and who is authorised by the Chief Commissioner of State Revenue for the purposes of this definition.

**Class 2 officer** means a person:

- (a) who is employed by the Roads and Traffic Authority as an enforcement officer, or
- (b) who is subject to the control and direction of the Roads and Traffic Authority 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 in the Department of Transport as an enforcement officer, or
- (b) who is subject to the control and direction of the head of the Department of Transport as an enforcement officer.

**Class 5 officer** means a person:

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

**Class 6 officer** means a person:

- (a) who is an officer or employee of the Forestry Commission, or
- (b) who is subject to the control and direction of the Forestry Commission,

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 7 officer** means a person:

- (a) who is an officer or employee of the Department of Environment and Conservation (National Parks and Wildlife Service), or
- (b) who is subject to the control and direction of the Department of Environment Conservation (National Parks and Wildlife Service),

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:

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

but only if the Government department is authorised in writing by the Commissioner of Police for the purposes of this definition.

**Class 10 officer** means a person:

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

but only if the corporation is authorised in writing by the Commissioner of Police for the purposes of this definition.

**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 4.1 of the Act.

**Class 15 officer** means a person who is employed by a declared organisation as an enforcement officer.

**Class 16 officer** means a person who is appointed or employed by the Roads and Traffic Authority as a Traffic Commander.

## Schedule 3 Penalty notice offences

(Clause 40)

### *Australian Road Rules*

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Rule 20:		
(a) in the case of a class A motor vehicle and otherwise than in school zone:		

(i) driven at a speed of not more than 15 km/h above the speed limit applicable	Class 1	Level 2
(ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	Class 1	Level 5
(iii) 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 9
(iv) driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 14
(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 15 km/h above the speed limit applicable	Class 1	Level 5
(ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	Class 1	Level 6
(iii) 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 9
(iv) driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 14
(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 15 km/h above the speed limit applicable	Class 1	Level 5
(ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	Class 1	Level 6
(iii) 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 11
(iv) driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 16
Rule 20:		
(a) in the case of a class A motor vehicle and in school zone:		
(i) driven at a speed of not more than 15 km/h above the speed limit applicable	Class 1	Level 3

(ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	Class 1	Level 6
(iii) 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 10
(iv) driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 15
(b) in the case of a class B motor vehicle and in school zone:		
(i) driven at a speed of not more than 15 km/h above the speed limit applicable	Class 1	Level 6
(ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	Class 1	Level 7
(iii) 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 10
(iv) driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 15
(c) in the case of a class C motor vehicle and in school zone:		
(i) driven at a speed of not more than 15 km/h above the speed limit applicable	Class 1	Level 6
(ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	Class 1	Level 7
(iii) 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 12
(iv) driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 17
Rule 27 (1); Rule 28 (1); Rule 29; Rule 31; Rule 32 (1); 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:		
(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 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, otherwise than 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, in school zone	Class 1	Level 6
Rule 43; Rule 93 (1); Rule 94; Rule 95 (1); Rule 96 (1); Rule 97 (1); Rule 111; Rule 115 (1); Rule 116; Rule 125 (1); Rule 128; Rule 143; Rule 155 (1); Rule 156 (1); Rule 295 (1) and (2); Rule 295 (1) and (3)	Class 1	Level 4
Rule 46 (1); Rule 46 (4); Rule 48 (1); Rule 48 (4); Rule 51; Rule 53; Rule 102 (1); Rule 105; Rule 107; Rule 112; Rule 113; Rule 117; Rule 118 (1); Rule 118 (2); Rule 141 (1); Rule 153 (1); Rule 162 (1); Rule 163 (1); Rule 164 (1); Rule 222 (2); Rule 295 (1), (4) and (5) (a); Rule 295 (1), (4) and (5) (b); Rule 295 (1), (4) and (5) (c)	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 61, Rule 64 (b), Rule 65 (2) (c), Rule 297 (1), otherwise than in school zone	Class 1	Level 6
Rule 57, Rule 60, Rule 61, Rule 64 (b), Rule 65 (2) (c), Rule 297 (1), 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
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 294	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 149; Rule 154 (1); Rule 157 (1); Rule 159 (1); Rule 224; Rule 264 (1); Rule 265 (1); Rule 266 (1); Rule 268; 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 287; Rule 298	Class 1	Level 5
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 103	Class 1, 2, 14	Level 4
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 106	Class 1, 2, 14	Level 3
Rule 119; Rule 141 (2); Rule 151; Rule 223; Rule 228; Rule 229; Rule 230 (1); Rule 231 (1); Rule 232 (1); Rule 232 (3); Rule 232 (4); Rule 233; Rule 234; Rule 235; Rule 236; Rule 237 (1); Rule 238; Rule 239; Rule 240; Rule 241; Rule 242 (1); Rule 243; Rule 244; Rule 245; 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 127 (1), in relation to a class B or class C motor vehicle in a Safe-T-Cam zone	Class 1	Level 11
Rule 127 (1), otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone	Class 1	Level 6
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 132; 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 146, in relation to a class B or class C motor vehicle in a Safe-T-Cam zone; Rule 147, in relation to a class B or class C motor vehicle in a Safe-T-Cam zone; Rule 150 (1), in relation to a class B or class C motor vehicle in a Safe-T-Cam zone	Class 1	Level 11
Rule 146, otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone; Rule 147, otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam 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	Class 1	Level 4
Rule 160; Rule 161; Rule 212; Rule 213 (2); Rule 215; Rule 216; Rule 217 (1); Rule 218; Rule 219; Rule 221; 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, in relation to a sign bearing the words “no stopping” and otherwise than in school zone	Class 1, 12, 16	Level 4
Rule 167, in relation to a sign bearing the words “no stopping” and in school zone	Class 1, 12, 16	Level 5
Rule 167, in relation to a sign bearing the words “no standing”	Class 1, 12, 16	Level 2
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 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
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 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 185 (1); 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 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	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 203 (1)	Class 1, 12	Level 7
Rule 208 (1) and (6)	Class 1, 12	Level 4
Rule 220 (1)	Class 1, 2, 12	Level 2
Rule 226; Rule 227	Class 1, 2	Level 2
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
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 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 296 (1), otherwise than in school zone	Class 1	Level 3
Rule 296 (1), in school zone	Class 1	Level 4
Rule 304 (1)	Class 1, 16	Level 5

**Local Government Act 1993**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Authorised officer</b>	<b>Penalty</b>
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**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Authorised officer</b>	<b>Penalty</b>
Section 8	Class 1, 2, 4	Level 8

**Motor Vehicles Taxation Act 1988**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Authorised officer</b>	<b>Penalty</b>
Section 9	Class 1, 2	Level 8

**Road Transport (Driver Licensing) Act 1998**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Authorised officer</b>	<b>Penalty</b>
Section 23	Class 1	Level 9
Section 25 (1) (a); Section 25 (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
(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
<p>(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:</p>		
(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
<p>(d) where the driver held a licence under the Act that had expired less than 2 years before:</p>		
(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
<p>(e) where the driver held a licence under the Act that had expired 2 years or more before:</p>		
(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
<p>(f) where the driver had never been licensed within the meaning of section 25 (4) (for the first offence only)</p>		
	Class 1, 2	Level 9

**Road Transport (Driver Licensing) Regulation 1999**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Authorised officer</b>	<b>Penalty</b>
Clause 12 (1) (a)	Class 1	Level 9
Clause 12 (1) (b); Clause 12 (2) (a); Clause 12 (2) (b); Clause 13; Clause 15 (6) (a); Clause 15 (6) (b)	Class 1	Level 4
Clause 12 (3)	Class 1	Level 7
Clause 12 (4); Clause 12 (5) (a); Clause 12 (5) (b); Clause 15D (6); Clause 15D (8); Clause 30 (1) (a); Clause 30 (1) (b); Clause 55 (5)	Class 1	Level 2
Clause 15D (7)	Class 1	Level 5
Clause 56 (where the licence concerned is a provisional P1 licence of class R and the holder of the licence drives a motor cycle with engine capacity greater than 260 ml or a power to weight ratio greater than 150 kilowatts per tonne but otherwise than in relation to a condition relating to a 90 km/h speed limit):		

(a) for the first offence, or the first offence within the last 5 years      Class 1      Level 7

(b) for the second or subsequent offence within the last 5 years      Class 1      Level 9

Clause 56 (otherwise than where the licence concerned is an interlock driver licence or where the licence is a provisional P1 licence of class R and the holder of the licence drives a motor cycle with engine capacity greater than 260 ml or a power to weight ratio greater than 150 kilowatts per tonne and otherwise than in relation to a condition relating to a 90 km/h speed limit):

(a) in relation to licence conditions generally      Class 1      Level 4

(b) in relation to P plates for holders of P1 licences of class C      Class 1      Level 4

(c) in relation to P plates for holders of P1 licences of class R      Class 1      Level 4

(d) in relation to P plates for holders of P2 licences      Class 1      Level 4

(e) in relation to a condition imposed by clause 15B or 15C      Class 1      Level 7

Clause 56, in relation to a condition relating to a 90 km/h speed limit      Class 1      Level 4

Clause 57; Clause 58      Class 1, 2      Level 2

**Road Transport (General) Act 2005**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Authorised officer</b>	<b>Penalty</b>
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
(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 6
Section 171 (2) (a) or (b)	Class 1, 2	Level 2
Section 179 (6); section 179 (7)		
(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

**Road Transport (Safety and Traffic Management) Act 1999**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Authorised officer</b>	<b>Penalty</b>
Section 41 (1)	Class 1	Level 8
Section 41 (2)	Class 1	Level 9
Section 42 (1) (c)	Class 1	Level 6
Section 48; Section 49 (3)	Class 1	Level 13
Section 69C	Class 1, 2	Level 14
Section 76 (7)	Class 1, 2	Level 5

**Road Transport (Safety and Traffic Management) (Driver Fatigue) Regulation 1999**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Authorised officer</b>	<b>Penalty</b>
Clause 19 (3); Clause 20 (3); Clause 21; Clause 28 (3); Clause 29 (2); Clause 30 (3); Clause 34 (1); Clause 35 (4); Clause 36 (4); Clause 37; Clause 40 (4); Clause 48; Clause 49; Clause 50 (2); Clause 51 (2); Clause 52; Clause 54 (3); Clause 56 (1); Clause 57 (1); Clause 58; Clause 60; Clause 61; Clause 62; Clause 63 (3); Clause 64; Clause 65; Clause 66 (1); Clause 67; Clause 69; Clause 70; Clause 71 (1); Clause 72; Clause 73; Clause 75; Clause 76; Clause 77; Clause 78; Clause 93 (2); Clause 95 (1); Clause 96; Clause 97 (4); Clause 119 (2); Clause 125; Clause 130 (3); Clause 134 (2); Clause 135; Clause 136 (3); Clause 137 (2)	Class 1, 2, 4	Level 4

**Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Authorised officer</b>	<b>Penalty</b>
Clause 38 (1):		
(a) in the case of a class B motor vehicle and otherwise than in school zone:		
(i) driven at a speed of not more than 15 km/h above the speed limit applicable	Class 1	Level 5
(ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	Class 1	Level 6
(iii) 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 9
(iv) driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 14
(b) in the case of a class C motor vehicle and otherwise than in school zone:		
(i) driven at a speed of not more than 15 km/h above the speed limit applicable	Class 1	Level 5
(ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	Class 1	Level 6

(iii) 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 11
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(iv) driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 16
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Clause 38 (1):

(a) in the case of a class B motor vehicle and in school zone:

(i) driven at a speed of not more than 15 km/h above the speed limit applicable	Class 1	Level 6
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(ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	Class 1	Level 7
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(iii) 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 10
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(iv) driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 15
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(b) in the case of a class C motor vehicle and in school zone:

(i) driven at a speed of not more than 15 km/h above the speed limit applicable	Class 1	Level 6
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(ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	Class 1	Level 7
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(iii) 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 12
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(iv) driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 17
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Clause 38 (4), Clause 38 (5), Clause 38 (6), otherwise than in school zone:

(a) in the case of a vehicle driven at a speed of not more than 15 km/h above the speed limit applicable	Class 1	Level 2
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(b) in the case of a vehicle driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	Class 1	Level 5
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(c) 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 9
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(d) in the case of a vehicle driven at a speed of more than 45 km/h above the speed limit applicable Class 1 Level 14

Clause 38 (4), Clause 38 (5), Clause 38 (6), in school zone:

(a) in the case of a vehicle driven at a speed of not more than 15 km/h above the speed limit applicable Class 1 Level 3

(b) in the case of a vehicle driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable Class 1 Level 6

(c) 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 10

(d) in the case of a vehicle driven at a speed of more than 45 km/h above the speed limit applicable Class 1 Level 15

Clause 40 (1):

(a) in the case of a class A motor vehicle:

(i) driven at a speed of not more than 15 km/h above the speed limit applicable Class 1 Level 2

(ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable Class 1 Level 5

(iii) 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 9

(iv) driven at a speed of more than 45 km/h above the speed limit applicable Class 1 Level 14

(b) in the case of a class B motor vehicle:

(i) driven at a speed of not more than 15 km/h above the speed limit applicable Class 1 Level 5

(ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable Class 1 Level 6

(iii) 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 9

(iv) driven at a speed of more than 45 km/h above the speed limit applicable Class 1 Level 14

(c) in the case of a class C motor vehicle:

(i) driven at a speed of not more than 15 km/h above the speed limit applicable	Class 1	Level 5
(ii) driven at a speed of more than 15 km/h but not more than 30 km/h above the speed limit applicable	Class 1	Level 6
(iii) 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 11
(iv) driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 16
Clause 42 (1); Clause 94 (3); Clause 94 (4); Clause 94 (5); Clause 95 (4); Clause 96	Class 1, 2	Level 3
Clause 43	Class 1, 2, 16	Level 3
Clause 44	Class 1	Level 3
Clause 45; Clause 47 (2) (a); Clause 47 (2) (b); Clause 45A (1); Clause 46 (1); Clause 47A (1); Clause 47C (2); Clause 47C (3); Clause 47D; Clause 47E; Clause 96B (1)	Class 1	Level 5
Clause 47 (2) (c); Clause 54 (1); Clause 55 (a); Clause 55 (b); Clause 55 (c); Clause 55 (e); Clause 84; Clause 85 (1); Clause 86; Clause 90 (1)	Class 1	Level 2
Clause 47B (where driver wearing seatbelt drives with one unrestrained passenger only)	Class 1	Level 5
Clause 47B (where driver wearing seatbelt drives with 2 unrestrained passengers)	Class 1	Level 8
Clause 47B (where driver wearing seatbelt drives with 3 unrestrained passengers)	Class 1	Level 10
Clause 47B (where driver wearing seatbelt drives with 4 or more unrestrained passengers)	Class 1	Level 12
Clause 47B (where driver not wearing seatbelt drives with one unrestrained passenger only)	Class 1	Level 8
Clause 47B (where driver not wearing seatbelt drives with 2 unrestrained passengers)	Class 1	Level 10
Clause 47B (where driver not wearing seatbelt drives with 3 unrestrained passengers)	Class 1	Level 12
Clause 47B (where driver not wearing seatbelt drives with 4 or more unrestrained passengers)	Class 1	Level 13
Clause 48 (1); Clause 49 (1)	Class 1, 2	Level 6
Clause 50 (1); Clause 56 (1); Clause 90 (2)	Class 1, 2	Level 2

Clause 53 (1), in relation to a class B or class C motor vehicle in a Safe-T-Cam zone	Class 1	Level 11
Clause 53 (1), otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone	Class 1	Level 2
Clause 59 (2)	Class 1	Level 6
Clause 60 (1)	Class 1, 8, 9, 10, 12, 15, 16	Level 2
Clause 61; Clause 62; Clause 63 (2); Clause 64; Clause 65 (a); Clause 65 (b); Clause 66; Clause 67; Clause 68 (2); Clause 70 (b); Clause 71; Clause 72; Clause 73 (2); Clause 76 (3) (a); Clause 77; Clause 78 (2)	Class 1, 12, 15	Level 2
Clause 69; Clause 70 (a); Clause 74; Clause 76 (3) (b); Clause 76 (3) (c); Clause 76 (4)	Class 1, 12, 15	Level 7
Clause 79 (1)	Class 1, 12, 15, 16	Level 4
Clause 88; Clause 96A	Class 1	Level 1
Clause 93; Clause 94 (2); Clause 95 (3)	Class 1, 2	Level 5
Clause 96B (2)	Class 1, 12, 16	Level 5
Clause 123A (1)	Class 1, 12	Level 2
Clause 126K; Clause 126L; Clause 126M; Clause 126N (2); Clause 126O (3); Clause 126P (6)	Class 1, 12	Level 8
Clause 132 (1); Clause 132 (2); Clause 132 (3)	Class 1, 2, 12, 16	Level 3

**Road Transport (Vehicle Registration) Act 1997**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Authorised officer</b>	<b>Penalty</b>
Section 18 (1):		
(a) in the case of a class A motor vehicle	Class 1, 2	Level 8
(b) in the case of a class B or class C motor vehicle	Class 1, 2	Level 12
Section 22 (4); Section 22B (2)	Class 1, 2	Level 12

**Road Transport (Vehicle Registration) Regulation 1998**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Authorised officer</b>	<b>Penalty</b>



<p>Clause 23 (4); Clause 28 (1); Clause 29; Clause 30 (1); Clause 32 (8);            Clause 34 (3); Clause 39 (4); Clause 41 (2) (a); Clause 41 (2) (b);            Clause 43 (5); Clause 50 (3); Clause 52; Clause 53; Clause 54;            Clause 55; Clause 57 (1); Clause 57 (4); Clause 57 (5); Clause 60 (3);            Clause 61 (4); Clause 63 (5); Clause 64 (2); Clause 67 (4); Clause 74;            Clause 75; Clause 84 (1); Clause 86</p>	Class 1, 2	Level 2
<p>Clause 57 (1) (a) in respect of the use of a registrable vehicle that does not comply with any of the following provisions of Schedule 4:</p>		
<p>(a) clause 21 (a), vehicle contravening any Act or other law (otherwise than as referred to in the following paragraphs)</p>	Class 1, 2	Level 2
<p>(b) clause 21 (b), vehicle cause danger or unreasonable annoyance</p>	Class 1, 2	Level 3
<p>(c) clause 22, defective steering</p>	Class 1, 2	Level 5
<p>(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:</p>		
<p>(i) incorrect method of mounting vehicle frontal protection system, or</p>	Class 1, 2	Level 3
<p>(ii) exposed edges, or</p>		
<p>(iii) unacceptable shape of material or unacceptable profile of vehicle frontal protection system, or</p>		
<p>(iv) use of non-standard or non-approved vehicle frontal protection system</p>		
<p>(e) 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</p>	Class 1, 2	Level 5
<p>(f) clause 26, oil and grease leaks</p>	Class 1, 2	Level 3
<p>(g) clause 28, defective seating</p>	Class 1, 2	Level 5
<p>(h) clause 29, seat belt removed or defective</p>	Class 1, 2	Level 5

(i) clause 29, motor vehicle not fitted or equipped with seat belts or seat belt anchorages	Class 1, 2	Level 5
(j) clause 31, defective door latches, hinges	Class 1, 2	Level 2
(k) clauses 48-56, defective tyres	Class 1, 2	Level 2
(l) clauses 70-77, exceed dimensions	Class 1, 2	Level 2
(m) clause 74, excessive overhang	Class 1, 2	Level 2
(n) clauses 85-91, defective headlights	Class 1, 2	Level 2
(o) clauses 94-97, defective tail lights	Class 1, 2	Level 2
(p) clauses 106 and 107, defective brake lights	Class 1, 2	Level 2
(q) clauses 132-141, defective brakes	Class 1, 2	Level 5
(r) clause 135, defective emergency brake	Class 1, 2	Level 2
(s) clauses 154-159, undue emission, inefficient silencer or excessive noise	Class 1, 2	Level 3
(t) clause 161, defective LPG equipment or labelling	Class 1, 2	Level 3
(u) clauses 166-178, road train equipment offences	Class 1, 2	Level 3
(v) clause 189, defective or missing fire extinguisher (bus)	Class 1, 2	Level 2
Clause 57 (1) (b)	Class 1, 2	Level 3
Clause 63 (6); Clause 64 (2A)	Class 1, 2	Level 4
Clause 78 (5); Clause 84 (2) except in case of major defect notice	Class 1, 2	Level 5
Clause 84 (2) in the case of a major defect notice	Class 1, 2	Level 6
Clause 84 (3)	Class 1, 2	Level 8
Clause 85 (1) (a) or Clause 85 (1) (b) or Clause 85 (1) (c) or Clause 85 (2) (a) or Clause 85 (2) (b) in the case of a class A motor vehicle	Class 1, 2	Level 6
Clause 85 (1) (d) or Clause 85 (1) (e) or Clause 85 (3) in the case of a class A motor vehicle	Class 1, 2	Level 2
Clause 85 in the case of a class B motor vehicle or class C motor vehicle	Class 1, 2	Level 8

**Roads Act 1993**

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

**Road Transport (Mass, Loading and Access) Regulation 2005**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Authorised officer</b>	<b>Penalty</b>
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:

- |  |                          |          |
|--|--------------------------|----------|
| (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
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,<br>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,<br>12, 14 | Level 11 |
| (d) that does not involve (a), (b) or (c)  | Class 1, 2, 6, 7,<br>12, 14 | Level 4  |