

# Road Transport (General) Regulation 2021

[2021-487]



New South Wales

## Status Information

### Currency of version

Historical version for 30 October 2023 to 18 November 2023 (accessed 23 July 2024 at 3:24)

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 Legislation Amendment \(Visiting Drivers\) Regulation 2023 \(430\)](#), Sch 2 (not commenced — to commence on 19.11.2023)
- **Staged repeal status**  
This legislation is currently due to be automatically repealed under the [Subordinate Legislation Act 1989](#) on 1 September 2026

### 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](#).

File last modified 30 October 2023

# Road Transport (General) Regulation 2021



New South Wales

## Contents

<b>Part 1 Preliminary</b> .....	11
1 Name of Regulation .....	11
2 Commencement .....	11
3 Interpretation .....	11
3A Meaning of class A motor vehicle .....	11
<b>Part 2 Safety and traffic management</b> .....	12
<b>Division 1 Responsibility for certain vehicle use</b> .....	12
4 Causing, permitting or allowing certain 4.5 tonne vehicles and combinations to be driven in excess of 100 kilometres per hour .....	12
5 Use of vehicle dropping waste oil or grease .....	12
6 Use of motor bike sidecars .....	12
7 Number of vehicles drawn together .....	13
8 Use of lights on vehicles generally .....	13
9 Use of crimson flashing warning lights on certain council vehicles .....	13
10 Use of lights on stationary vehicles .....	14
11 Carriage of dangerous goods in prohibited areas .....	14
12 Use of lengthy vehicles in central Sydney and on certain other roads .....	15
13 Prohibition on car minding .....	15
14 Inspection of driver licences by responsible persons .....	16
15 Responsible person's consent .....	16
16 Parents not to cause or permit children to drive on roads .....	16

17 School buses .....	17
18 Warning signs and lights for school buses .....	18
19 Safety provisions for buses first registered on or after 1 August 1997 .....	18
20 Door requirements for buses registered before 1 August 1997 .....	20
<b>Division 2 Alcohol and other drug use</b> .....	20
21 Substances prescribed as drugs for the purposes of the definition of “drug” in the Act, s 4(1) .....	20
22 Persons prescribed as authorised sample takers .....	21
23 Premises, institutions and establishments prescribed for the purposes of the Act, Schedule 3 .....	21
24 Analysis of oral fluid, blood and urine samples—laboratory prescribed .....	22
25 Standards for approved oral fluid analysing instruments and testing devices .....	22
<b>Division 3 Prescribed traffic control devices</b> .....	22
26 Devices prescribed for the purposes of the Act s 121 .....	22
27 Offence—preventing traffic control device from being clearly observed .....	23
28 Offence—displaying “do not overtake turning vehicle sign” on vehicles less than 7.5 metres long .....	23
<b>Division 4 Approved traffic enforcement devices</b> .....	24
29 Testing and security indicators for approved traffic enforcement devices .....	24
30 Public transport lane offences .....	25
<b>Division 5 Child safety</b> .....	25
31 Schemes to assist children to cross roads .....	25
<b>Part 3 Seizure and impounding of vehicles</b> .....	27
<b>Division 1 Interpretation</b> .....	27
32 Definitions .....	27
<b>Division 2 Seizure of vehicles by police officers</b> .....	28
33 When police officers may seize motor vehicles or trailers .....	28
34 Where seized vehicle to be kept .....	29
35 Commissioner of Police to notify responsible person of seizure .....	29
36 Applications for release of seized motor vehicle or trailer .....	29
37 Disposal or destruction of seized motor vehicle or trailer .....	30

### **Division 3 Seizure of vehicles by council employees in Kings Cross area**

.....	30
38 When council employees may seize motor vehicles or trailers .....	30
39 Where seized vehicle to be kept.....	31
40 Enforcement officer to notify TfNSW .....	31
41 Enforcement officer to notify responsible person of seizure .....	31
42 Application for release of seized motor vehicle or trailer .....	32
43 Disposal or destruction of seized motor vehicle or trailer in accordance with direction of Commissioner of Police .....	32

### **Division 4 Impounded vehicles.....**

44 Impounding fee .....	33
45 Towing fee for impounded vehicles .....	33
46 Exceptions to towing fee .....	33
47 Notice of sale of impounded vehicles or vehicles forfeited to the Crown .....	35
48 Offer for sale of impounded vehicles or vehicles forfeited to the Crown .....	35
49 Application for balance of proceeds of sale .....	35

## **Part 4 Mass, dimension and load requirements for light vehicles and light combinations**

.....	36
-------	----

### **Division 1 Preliminary .....**

50 Application of Part .....	36
51 Definitions .....	36
52 Use of vehicle in contravention of dimension, mass or load restraint requirements .....	37

### **Division 2 Mass limits for certain motor lorries and certain trailers.....**

53 Definitions .....	37
54 Application of Division .....	38
55 Mass limit not to be exceeded .....	38
56 Mass limits for motor lorries other than existing motor lorries .....	38
57 Mass limits for existing motor lorries.....	39
58 Determination of different mass limits .....	39

59 TfNSW may require information or certificate .....	40
<b>Division 3 Dimension requirements .....</b>	<b>41</b>
60 Projection of loading or equipment of vehicles .....	41
61 Exemption by notice in Gazette.....	45
62 Exemption by permit .....	45
<b>Division 4 Other mass and dimension requirements .....</b>	<b>46</b>
63 Special mass limits .....	46
64 Mass limits for three-wheeled vehicles.....	46
65 Lower limit to apply if multiple mass requirements.....	46
66 Load requirements.....	46
67 Driver to have sufficient control .....	47
<b>Division 5 Checking and measuring procedures.....</b>	<b>48</b>
68 Method of determining wheel loads .....	48
69 Method of determining axle loads .....	48
70 Method of determining total mass.....	48
71 Weighing devices.....	48
<b>Division 6 Miscellaneous.....</b>	<b>49</b>
72 Keeping documents .....	49
73 Exemptions in emergencies.....	49
<b>Part 5 Road transportation.....</b>	<b>50</b>
<b>Division 1 Monitoring of heavy vehicles and vehicles carrying dangerous goods</b> .....	<b>50</b>
74 Vehicles to which the Act, Part 6.1 applies, in addition to vehicles carrying dangerous goods.....	50
75 Prescribed officers for the purposes of the Act, Part 6.1.....	50
76 Manner of approval of aspects of data recording and related matters .....	51
77 Accessories to contravention of the Act, Part 6.1 .....	51
78 Manner of granting exemptions.....	51
<b>Division 2 Speed limiters.....</b>	<b>52</b>

79 Application of the Act, Part 6.2 .....	52
80 Manner of limiting speed .....	52
81 Modifications .....	53
82 Authorised person for certification of speed limiter compliance.....	54
83 Exemptions.....	54
<b>Part 6 Pay parking schemes.....</b>	<b>54</b>
<b>Division 1 Operation of pay parking schemes.....</b>	<b>54</b>
84 Establishment of pay parking schemes .....	54
85 Pay parking fees .....	55
86 Requirements for pay parking space, area or device .....	55
87 Duration of pay parking period.....	55
88 Evidence of payment of parking fee.....	56
89 Damage to or misuse of pay parking devices.....	56
90 Temporary closure of pay parking space or pay parking area .....	56
91 Trailers not separately chargeable .....	57
<b>Division 2 Miscellaneous.....</b>	<b>57</b>
92 Councils' common pay parking schemes.....	57
93 TfNSW guidelines.....	57
94 Other powers to provide pay parking .....	57
95 Overlapping schemes .....	58
96 Application of money from parking.....	58
97 Disputes .....	58
98 Powers of police in emergency or obstruction or danger to traffic .....	59
<b>Part 7 Mobility parking scheme authorities .....</b>	<b>60</b>
<b>Division 1 Preliminary .....</b>	<b>60</b>
99 Definitions .....	60
<b>Division 2 Issue of scheme authorities.....</b>	<b>60</b>
100 TfNSW may issue mobility parking scheme authorities.....	60
101 Form of scheme authority.....	60
102 When scheme authority ceases to be in force.....	61

<b>Division 3 Applications for scheme authorities</b> .....	61
103 Procedure to obtain scheme authority.....	61
104 Application fees.....	62
105 Surrender of current or expired scheme authority if applying for new authority.....	63
<b>Division 4 Collection and use of information</b> .....	63
106 Information about eligibility for and use of scheme authority.....	63
107 Evidence of disability.....	63
108 Change and verification of details of scheme authority holder.....	64
109 Information collected under Division 3 or 4.....	64
<b>Division 5 Photographs</b> .....	65
110 TfNSW may require the taking of photographs.....	65
111 Purposes for which photographs may be kept and used.....	65
112 Release of photographs prohibited.....	65
<b>Division 6 Use of scheme authorities</b> .....	66
113 Conditions of scheme authorities.....	66
114 Improper use of scheme authorities.....	67
115 Reproducing, copying, defacing, altering or destroying scheme authorities.....	67
116 Return of scheme authorities.....	67
117 Production and confiscation of scheme authorities.....	67
<b>Division 7 Expiry and revocation of scheme authorities</b> .....	68
118 Expiry of scheme authorities.....	68
119 Revocation of scheme authorities.....	69
<b>Part 8 Other parking schemes—parking permits, controlled loading zones and special event parking schemes</b> .....	70
<b>Division 1 Parking permits</b> .....	70
120 Parking permits.....	70
<b>Division 2 Controlled loading zone schemes</b> .....	71
121 Controlled loading zone schemes.....	71

122 Form and duration of loading zone ticket .....	71
123 Evidence of lawful use of controlled loading zone .....	72
124 Damage to and misuse of controlled loading zone device .....	72
125 Temporary closure of controlled loading zone .....	72
126 TfNSW guidelines.....	72
<b>Division 3 Special event parking schemes .....</b>	<b>73</b>
127 Special event parking schemes .....	73
<b>Part 9 Compliance and enforcement .....</b>	<b>73</b>
<b>Division 1 Criminal responsibility .....</b>	<b>73</b>
128 Determination of criminal responsibility .....	73
129 Operation of Crimes (Sentencing Procedure) Act 1999 not affected .....	74
130 No double jeopardy for offence against this Regulation and the Road Rules 2014.....	74
131 Prescribed ground of exculpation in relation to average speed detection—the Act, s 129(2).....	74
<b>Division 2 Penalty notice offences .....</b>	<b>75</b>
132 Definitions .....	75
133 Penalty notice offences .....	76
134 Penalty levels—the Act, s 195 .....	77
135 Penalty levels for certain camera recorded offences.....	78
136 Lower penalty levels for certain parking offences dealt with by penalty notice .....	78
137 Grace period for certain parking offences .....	79
138 Offence—unlawful destruction of penalty notices .....	80
<b>Part 10 Appeals .....</b>	<b>81</b>
<b>Division 1 Preliminary .....</b>	<b>81</b>
139 Definition .....	81
<b>Division 2 Appealable decisions .....</b>	<b>81</b>
140 Driver licensing decisions .....	81
141 Vehicle registration decisions .....	81
142 Mobility parking scheme decisions .....	82
143 Exclusion from definition of “appealable decision” .....	82



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

.....	83
144 Preliminary .....	83
145 Notification of appeal rights in relation to certain driver licensing decisions.....	83
146 Application for reasons for decision.....	83

### **Division 4 Stays and adjournments** ..... 84 |

147 Certain decisions stayed pending appeal .....	84
148 Certain decisions stayed only in exceptional circumstances .....	84
149 Adjournment of certain proceedings.....	86

### **Division 5 Determination of certain appeals** ..... 86 |

150 Appeals against suspension of registration .....	86
151 Document that may be used in examiner’s and proprietor’s authorities appeals .....	86
152 Determination of driver licence suspension appeals involving death or grievous bodily harm .....	87

### **Part 11 Miscellaneous** ..... 87 |

#### **Division 1 Special service requirements** ..... 87 |

153 Application of Division .....	87
154 Service of notices on persons and delivery of things to TfNSW under driver licensing law .....	88
155 Service of notices on registered operators and delivery of things to TfNSW under vehicle registration law .....	88
156 Date of effecting service .....	89
157 Forwarding, surrendering or delivering notification, document or thing to TfNSW .....	89
158 Service of documents under Part 7—mobility parking scheme authorities.....	90

#### **Division 2 Operation of inconsistent legislation**..... 90 |

159 Royal Botanic Gardens and Domain Trust Act 1980.....	90
160 Local Government Act 1993 .....	91

#### **Division 3 Offences and matters relating to offences** ..... 91 |

161 Offence—failure to comply with order, notice, direction, requirement or request .....	91
162 Offence—false or misleading information.....	91

163 Mass requirements on certain roads and bridges .....	91
164 Prescribed speeding offence.....	93
165 Limitation period for certain offences.....	93
166 Certain provisions not to apply to light rail vehicles.....	93
<b>Division 4 Administrative matters .....</b>	<b>93</b>
167 Certificate as to costs incurred in removal of dangers and obstructions to traffic—the Act, s 142 .....	93
168 Removal of unattended vehicles .....	93
169 Number-plate confiscation notices .....	94
170 Fees for information from records of TfNSW .....	95
171 Delegation of TfNSW’s licensing and registration functions .....	95
172 Savings and repeal of Road Transport (General) Regulation 2013.....	95
173 Repeal of Schedule 7 .....	96
<b>Schedule 1 Fees and charges.....</b>	<b>96</b>
<b>Schedule 2 Declared organisations .....</b>	<b>97</b>
<b>Schedule 3 Substances prescribed as drugs .....</b>	<b>105</b>
<b>Schedule 4 Authorised officers .....</b>	<b>106</b>
<b>Schedule 5 Penalty notice offences .....</b>	<b>108</b>
<b>Schedule 6 Lower penalty levels for certain parking offences .....</b>	<b>128</b>
<b>Schedule 7 (Repealed) .....</b>	<b>129</b>
<b>Schedule 8 Dictionary.....</b>	<b>129</b>

# Road Transport (General) Regulation 2021



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Road Transport (General) Regulation 2021*.

### 2 Commencement

This Regulation commences on 1 September 2021 and is required to be published on the NSW legislation website.

**Note—**

This Regulation replaces the *Road Transport (General) Regulation 2013*, which is repealed on 1 September 2021 by the *Subordinate Legislation Act 1989*, section 10(2).

### 3 Interpretation

(1) The Dictionary in Schedule 8 defines words used in this Regulation.

**Note—**

The Act and the *Interpretation Act 1987* contain definitions and other provisions affecting the interpretation and application of this Regulation.

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

**Note—**

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

(3) In this Regulation, an abbreviation or symbol specified in the *Road Rules 2014*, Schedule 1 has the same meaning as in the Schedule.

(4) In Schedule 2, **public road** has the same meaning as in the *Roads Act 1993*.

#### 3A Meaning of class A motor vehicle

For the Act, section 183(1), definition **class A motor vehicle**, a class A motor vehicle as the same meaning as it has in section 132 of this regulation.

## Part 2 Safety and traffic management

### Division 1 Responsibility for certain vehicle use

#### 4 Causing, permitting or allowing certain 4.5 tonne vehicles and combinations to be driven in excess of 100 kilometres per hour

- (1) A person must not cause, permit or allow a vehicle with a GVM over 4.5 tonnes or a vehicle and trailer combination with a GCM over 4.5 tonnes to be driven on a road at a speed in excess of 100 kilometres per hour.

Maximum penalty—

- (a) if the vehicle is a coach or heavy motor vehicle—30 penalty units, or
- (b) if the vehicle or vehicle and trailer combination is not referred to in paragraph (a)—20 penalty units.

- (2) Subsection (1) does not apply to the driver of the vehicle or vehicle and trailer combination.

**Note—**

A driver who drives the vehicles in excess of 100 kilometres per hour will commit an offence against the [Road Rules 2014](#), rule 20. See also the Rules, rules 21(2) and 25(3)(a).

- (3) In this section—

**heavy motor vehicle** has the same meaning as in the [Road Rules 2014](#), rule 10-2.

**vehicle, trailer** and **combination** have the same meanings as in the [Road Rules 2014](#).

#### 5 Use of vehicle dropping waste oil or grease

- (1) The responsible person for a motor vehicle or trailer must not cause, permit or allow or fail to take reasonable precautions to prevent a contravention of the [Road Rules 2014](#), rule 291-2.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply to the driver of the motor vehicle or trailer.

**Note—**

The [Road Rules 2014](#), rule 291-2 provides the driver of a motor vehicle or trailer must not drive the vehicle without adequate precautions being taken to prevent waste oil or grease from the machinery, or from any other part, of the vehicle from dropping on the roadway.

#### 6 Use of motor bike sidecars

- (1) The responsible person for a motor bike ridden with a passenger in a sidecar must not

cause, permit or allow or fail to take reasonable precautions to prevent a contravention of the [Road Rules 2014](#), rule 271 in relation to how persons travel in the sidecar.

Maximum penalty—20 penalty units.

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

**Note—**

The [Road Rules 2014](#), rule 271 provides for how persons are to ride motor bikes and travel in sidecars.

## **7 Number of vehicles drawn together**

(1) A person must not cause or permit a vehicle to be driven in contravention of the [Road Rules 2014](#), rule 294-1(1).

Maximum penalty—20 penalty units.

(2) Subsection (1) does not apply to the driver of the vehicle.

**Note—**

The [Road Rules 2014](#), rule 294-1 provides, subject to certain exceptions, a driver must not drive any of the following vehicles unless written permission is first obtained from Transport for NSW and all conditions of the permission are strictly complied with—

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

## **8 Use of lights on vehicles generally**

(1) A person must not cause or permit a light or other device fitted to a vehicle to be used in contravention of the [Road Rules 2014](#), rule 218-1.

Maximum penalty—20 penalty units.

(2) Subsection (1) does not apply to the driver of the vehicle.

**Note—**

A driver who uses a light or other device fitted to the driver's vehicle in contravention of the [Road Rules 2014](#), rule 218-1 will commit an offence against the rule.

## **9 Use of crimson flashing warning lights on certain council vehicles**

(1) A person must not cause or permit any crimson flashing warning light permitted to be fixed to a motor vehicle by the Standards to be used unless the vehicle is being used by an employee of a council for the purposes of enforcing excess weight limits legislation.

Maximum penalty—20 penalty units.

(2) Subsection (1) does not apply to the driver of the vehicle.

**Note—**

See the [Road Rules 2014](#), rule 221-1(1) for the corresponding offence in relation to drivers.

(3) In this section—

**excess weight limits legislation** means the following—

- (a) the [Heavy Vehicle National Law \(NSW\)](#),
- (b) this Regulation, Part 4 and section 163.

**the Standards** means—

- (a) the [Light Vehicle Standards Rules](#), rule 114(4)–(9), or
- (b) for a heavy vehicle—a corresponding heavy vehicle standard.

## 10 Use of lights on stationary vehicles

- (1) A person must not cause or permit a motor vehicle or trailer to stand on a road during a period of darkness unless the parking lights and any clearance or side marker light required to be fitted to the vehicle by the applicable vehicle standards law are lighted.

Maximum penalty—20 penalty units.

**Note—**

See the [Road Rules 2014](#), rule 220-1(1) for the corresponding offence in relation to drivers of motor vehicles.

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

Maximum penalty—20 penalty units.

- (3) Subsections (1) and (2) do not apply to the driver of the motor vehicle or trailer.

**Note—**

See the [Road Rules 2014](#), rule 220-1(1) and (3) for the corresponding offence in relation to drivers of motor vehicles.

- (4) Subsection (1) does not apply to the standing of a vehicle on a length of road with street lighting rendering a motor vehicle or trailer clearly visible.

(5) In this section—

**period of darkness** has the same meaning as in the [Road Rules 2014](#).

## 11 Carriage of dangerous goods in prohibited areas

- (1) A person must not cause, permit or allow the use of a dangerous goods transporter on

or in a prohibited area.

Maximum penalty—20 penalty units.

(2) Subsection (1) does not apply to the driver of the dangerous goods transporter.

**Note—**

The *Road Rules 2014*, rule 300-2 provides the driver of a dangerous goods transporter must not use the vehicle on or in certain prohibited areas.

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

(4) A person does not commit an offence against subsection (1) if the dangerous goods transporter is—

(a) displaying a permit issued under subsection (3) authorising it to be used in the prohibited area concerned, and

(b) used in accordance with the conditions on which the permit was issued.

(5) The holder of a permit issued under subsection (3) who, without lawful excuse, contravenes a condition of the permit is guilty of an offence.

Maximum penalty—20 penalty units.

(6) Terms or expressions used in this section defined for the purposes of the *Road Rules 2014*, rule 300-2 have the same meanings as in the rule.

## **12 Use of lengthy vehicles in central Sydney and on certain other roads**

(1) A person must not cause or permit a lengthy vehicle to be driven in contravention of the *Road Rules 2014*, rule 300-3.

Maximum penalty—20 penalty units.

(2) Subsection (1) does not apply to the driver of the lengthy vehicle.

**Note—**

The *Road Rules 2014*, rule 300-3 provides the driver of a lengthy vehicle must not, unless written permission is first obtained from Transport for NSW and all the conditions of the permission are strictly complied with, drive the vehicle during certain times on weekdays in specified parts of central Sydney and other roads.

(3) In this section—

**lengthy vehicle** has the same meaning as in the *Road Rules 2014*, rule 300-3.

## **13 Prohibition on car minding**

(1) The Commissioner of Police may, by written notice served on a person, prohibit the person from—

- (a) parking, minding, caring for, or taking charge of a motor vehicle or trailer on a road, other than a motor vehicle or trailer of which the person is the driver, or
  - (b) offering the person's services for a purpose referred to in paragraph (a).
- (2) A person on whom a notice has been served must comply with the notice.
- Maximum penalty—20 penalty units.
- (3) This section does not authorise the Commissioner of Police to prohibit the proprietor of a parking station or parking area from—
- (a) parking, minding, caring for, or taking charge of a motor vehicle or trailer in or on a parking station or parking area, or
  - (b) offering the proprietor's services for a purpose referred to in paragraph (a).
- (4) Subsection (3) extends to the following—
- (a) the display or publication of an advertisement for the parking station or parking area,
  - (b) the offer or performance of the services by the proprietor or by an employee of the proprietor.

#### **14 Inspection of driver licences by responsible persons**

- (1) The responsible person for, or the person in charge of, a motor vehicle must inspect the driver licence of a person before permitting the person to drive the vehicle.

Maximum penalty—20 penalty units.

**Note—**

The [Road Rules 2014](#), rule 300-5 makes it an offence for the driver of a motor vehicle not to carry the person's driver licence.

- (2) In this section—

**driver licence** includes an Australian driver licence or a foreign driver licence.

#### **15 Responsible person's consent**

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

Maximum penalty—20 penalty units.

#### **16 Parents not to cause or permit children to drive on roads**

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



Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply to a parent of a child if Transport for NSW—
- (a) has granted a driver licence to the child under the Act, or
  - (b) has issued a learner licence to the child under the Act.

- (3) In this section—

**child** means a person who is less than 16 years and 9 months of age.

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

## 17 School buses

- (1) The owner of a bus must, before permitting a person to drive the bus for school purposes—
- (a) attach to the bus 2 signs complying with subsection (2), or
  - (b) provide for use by the driver—
    - (i) 2 signs complying with subsection (2), and
    - (ii) the means of attaching the signs to the bus.

Maximum penalty—20 penalty units.

- (2) A sign must contain the words “School Bus” in block letters—
- (a) not less than—
    - (i) if the sign is to be displayed at the front of the bus—100 millimetres high, and
    - (ii) if the sign is to be displayed at the rear of the bus—120 millimetres high, and
  - (b) in black lettering on a fluorescent yellow background.
- (3) This section does not apply to a vehicle operated in accordance with section 18.
- (4) In this section—

**drive a bus for school purposes** means the driving of a bus that—

- (a) is being used solely or principally for the conveyance of children to or from school, and
- (b) is being used on a journey wholly outside a transport district.

**transport district** has the same meaning as in the *Transport Administration Act*

1988.

## 18 Warning signs and lights for school buses

- (1) The owner of a bus must not permit a person to drive the bus for school purposes on a road unless a warning system is attached to the bus.

Maximum penalty—20 penalty units.

- (2) This section does not apply to a bus—

(a) operating on charter for a school excursion or being used for community service activities, and

(b) where no individual fares are being directly collected or school passes used.

- (3) This section does not apply to the owner of a bus whom Transport for NSW exempts from compliance with this section.

- (4) Transport for NSW is to make a technical specification it has approved for the purposes of this section available on request.

- (5) In this section—

**drive a bus for school purposes** means the driving of a bus—

- (a) to convey children, whether with or without adult passengers, to or from school—

(i) between 7am and 9.30am on a weekday, or

(ii) between 2.30pm and 5pm on a weekday, or

- (b) solely for the purpose of conveying children to or from school.

**warning system** means a system of signs and flashing lights that—

- (a) is designed to warn motorists of the presence of children on a bus, and

- (b) complies with the requirements of the technical specification approved by Transport for NSW from time to time for the purposes of this section.

## 19 Safety provisions for buses first registered on or after 1 August 1997

- (1) This section applies to a bus that—

- (a) was first registered in this State on or after 1 August 1997, and

- (b) is used, or has been used on or after 1 August 1997, by an accredited service operator to operate a regular passenger service within the meaning of the [Passenger Transport Act 1990](#).

- (2) The owner of a bus must not permit a person to drive the bus on a road unless the

bus is fitted with—

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

Maximum penalty—20 penalty units.

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

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

Maximum penalty—20 penalty units.

(4) A requirement of subsection (2) or (3) does not apply—

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

(5) Transport for NSW—

- (a) may, from time to time, approve technical specifications for the purposes of this section, and
- (b) may apply different technical specifications to different buses in accordance with the first date of registration of the bus, and
- (c) must make a technical specification available on request.

(6) In this section—

**bus door safety system** means a bus door system installed on a bus that—

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

**field of view system** means a system installed on a bus that—

- (a) provides the driver of the bus with an adequate view of the doorways of the bus,

and

- (b) complies with the requirements of the applicable technical specifications approved by Transport for NSW for the purposes of this section.

**safety padding** means padding that—

- (a) is affixed to handrails, the top and back of seats, and partitions on buses, including raised items part of, or are affixed to, seats and partitions, and
- (b) complies with the requirements of the applicable technical specifications approved by Transport for NSW for the purposes of this section.

## **20 Door requirements for buses registered before 1 August 1997**

- (1) This section applies to a bus that—

- (a) was first registered in this State before 1 August 1997, and
- (b) is fitted with driver controlled doors.

- (2) The owner of a bus must not permit a person to drive the bus on a road unless the steady force applied to an object located up to 1,500 millimetres above the door step when the door of the bus is closing does not exceed 150 newtons when measured between 20 millimetres and 300 millimetres from the door's fully closed position.

Maximum penalty—20 penalty units.

- (3) A person must not drive a bus on a road unless the steady force applied to an object located up to 1,500 millimetres above the door step when the door of the bus is closing does not exceed 150 newtons when measured between 20 millimetres and 300 millimetres from the door's fully closed position.

Maximum penalty—20 penalty units.

- (4) Despite subsections (2) and (3), the steady force applied to an object located up to 1,500 millimetres above the door step when the door of the bus is closing may, if a steady force of 150 newtons results in the door not working properly, be increased to a steady force enabling the door to work properly.
- (5) However, the exemption in subsection (4) does not apply if the steady force is increased to more than 400 newtons.

## **Division 2 Alcohol and other drug use**

### **21 Substances prescribed as drugs for the purposes of the definition of “drug” in the Act, s 4(1)**

For the purposes of the Act, section 4(1), definition of **drug**, paragraph (c), the following

are prescribed as drugs—

- (a) substances listed in Schedule 3,
- (b) substances that are salts, isomers, esters or ethers of a substance listed in Schedule 3,
- (c) substances that are salts of the isomers, esters or ethers referred to in paragraph (b).

## 22 Persons prescribed as authorised sample takers

(1) For the purposes of the Act, Schedule 3, clause 1(1), definition of **authorised sample taker**, paragraph (c), the following persons or classes or descriptions of persons are prescribed as being authorised to take samples for the purposes of the Schedule—

- (a) an enrolled nurse,
- (b) a person—
  - (i) who is employed to work at a hospital, and
  - (ii) whose duties at the hospital include taking blood samples or other specimens for laboratory testing.

(2) In this section—

**hospital** includes premises, an institution or establishment prescribed as a hospital under section 23.

## 23 Premises, institutions and establishments prescribed for the purposes of the Act, Schedule 3

(1) This section prescribes the premises, institutions or establishments that are—

- (a) a place where samples may be taken under the Act, Schedule 3 as referred to in the Act, Schedule 3, clause 1(1), definition of **prescribed place**, and
- (b) a **hospital** for the purposes of the Act, Schedule 3, clause 10(2) and the Act, Schedule 3, Part 2, Division 4.

(2) The following premises, institutions or establishments are prescribed—

- (a) the following locations of the Royal Australian Air Force—
  - (i) Medical Section, No. 1 Central Ammunition Depot, Kingswood,
  - (ii) No. 3 RAAF Hospital, RAAF Base, Richmond,
  - (iii) Base Medical Flight, RAAF Base, Williamstown,
- (b) the 7th Camp Hospital, Kapooka, of the Australian Army,

(c) the following locations of the Royal Australian Navy—

- (i) Naval Hospital, HMAS Penguin, Balmoral,
- (ii) Sick Bay, HMAS Harman, Canberra, ACT,
- (iii) Sick Bay, HMAS Kuttabul, Garden Island,
- (iv) Sick Bay, HMAS Creswell, Jervis Bay, ACT
- (v) Naval Hospital, HMAS Albatross, Nowra,
- (vi) Sick Bay, HMAS Watson, Watson's Bay,
- (vii) Sick Bay, HMAS Waterhen, Waverton.

#### **24 Analysis of oral fluid, blood and urine samples—laboratory prescribed**

The laboratory of the NSW Forensic & Analytical Science Service at Lidcombe is prescribed—

- (a) for the purposes of the Act, Schedule 3, clause 22(3), definition of **authorised laboratory**, and
- (b) for the purposes of the Act, Schedule 3, clause 23, definition of **prescribed laboratory**.

#### **25 Standards for approved oral fluid analysing instruments and testing devices**

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

The instrument, when calibrated and operated properly, must be capable of confirming the presence of a prescribed illicit drug in a sample of oral fluid.

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

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

### **Division 3 Prescribed traffic control devices**

#### **26 Devices prescribed for the purposes of the Act s 121**

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

- (a) a traffic control device of a kind mentioned in the [Road Rules 2014](#) having effect for the Rules under the Rules, rule 315,

**Note—**

See also the *Road Rules 2014*, rules 316–318.

(b) a word, figure, symbol or anything else used on or with a traffic control device referred to in paragraph (a).

(2) In this section—

**traffic control device** has the same meaning as in the *Road Rules 2014*.

**Note—**

The *Road Rules 2014* define traffic control devices to mean traffic signs, road markings, traffic signals, or other devices, to direct or warn traffic on, entering or leaving a road.

**27 Offence—preventing traffic control device from being clearly observed**

(1) A person must not place or cause to be placed anything in a position that would prevent or be likely to prevent a prescribed traffic control device from being clearly observed by the driver of a motor vehicle approaching the device along a portion of a road for which the device has been installed or displayed.

Maximum penalty—20 penalty units.

**Note—**

The Act, section 123 also makes it an offence for a person to install or display, or to interfere with, alter or remove, a prescribed traffic control device without appropriate authority.

(2) Subsection (1) does not apply if the person has the approval of Transport for NSW to place the matter or thing along the portion of the road.

(3) If Transport for NSW or a police officer directs a person who has contravened subsection (1) to remove immediately the matter or thing concerned, the person must comply with the direction.

Maximum penalty—20 penalty units.

(4) In this section—

**prescribed traffic control device** has the same meaning as in the Act, section 121.

**28 Offence—displaying “do not overtake turning vehicle sign” on vehicles less than 7.5 metres long**

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

Maximum penalty—20 penalty units.

(2) Subsection (1) does not apply to the driver of the motor vehicle.

**Note—**

The *Road Rules 2014*, rule 316-2 provides a driver must not drive a motor vehicle if a *do not overtake turning vehicle sign* is displayed on the rear of the vehicle or on the rear of a trailer attached to the vehicle unless the vehicle is, or the vehicle and trailer together are, 7.5 metres long or longer.

(3) In this section—

***do not overtake turning vehicle sign*** means a *do not overtake turning vehicle sign* of a kind referred to in the *Road Rules 2014*.

## Division 4 Approved traffic enforcement devices

### 29 Testing and security indicators for approved traffic enforcement devices

(1) For the purposes of the Act, section 137(b)—

- (a) an approved traffic enforcement device that is approved for speed measurement and is a radar based device of a kind to which the Australian Standard entitled AS 2898.1—2003, *Radar speed detection—Functional requirements and definitions* applies must be tested for accuracy and functional requirements—
  - (i) in accordance with the Standard, or
  - (ii) in accordance with the manufacturer’s recommended calibration method, and
- (b) an approved traffic enforcement device that is approved for speed measurement and is a laser based device of a kind to which the Australian Standard entitled AS 4691.1—2003, *Laser-based speed detection devices—Definitions and device requirements* applies must be tested for accuracy and functional requirements—
  - (i) in accordance with the Standard, or
  - (ii) in accordance with the manufacturer’s recommended calibration method, and
- (c) an approved traffic enforcement device that is approved for speed measurement and is not of a kind referred to in paragraph (a) or (b) must be tested for accuracy and functional requirements in accordance with the manufacturer’s recommended calibration method—
  - (i) as approved by the Commissioner of Police, or
  - (ii) for a device used in conjunction with, or forms part of, a digital camera device—as approved by Transport for NSW, and
- (d) the prescribed period is 12 months.

(2) For the purposes of the Act, section 137A(b)—

- (a) an approved traffic enforcement device approved for dimension measurement



must be tested for accuracy and functional requirements in accordance with a calibration method approved by Transport for NSW, and

(b) the prescribed period is 12 months.

(3) Each of the following is prescribed as a security indicator for the purposes of the Act, section 138(1)—

(a) a series of 32 characters produced by an MD5 algorithm,

(b) a series of 48 characters of which 32 characters have been produced by an MD5 algorithm,

(c) a series of 40 characters produced by a SHA-1 algorithm,

(d) a series of 56 characters produced by a SHA-224 algorithm,

(e) a series of 64 characters produced by a SHA-256 algorithm,

(f) a series of 96 characters produced by a SHA-384 algorithm,

(g) a series of 128 characters produced by a SHA-512 algorithm.

(4) The prescribed period for the purposes of the Act, section 138(2)(b) is 90 days.

(5) For the purposes of this section, **character** includes a letter, number or symbol.

### 30 Public transport lane offences

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

(a) the [Road Rules 2014](#), rule 154(1),

(a1) the [Road Rules 2014](#), rule 154A(1) and (3),

(b) the [Road Rules 2014](#), rule 157-1.

## Division 5 Child safety

### 31 Schemes to assist children to cross roads

(1) Transport for NSW may—

(a) from time to time give authorities for schemes (**authorised children's crossing schemes**) designed to assist children to safely cross roads, and

(b) for the purposes of the authority, authorise a person or class of persons to exercise and discharge the functions specified in the authority.

(2) An authorised children's crossing scheme—

- (a) comes into force on the date specified in the authority for the scheme, and
  - (b) may, from time to time, be amended or replaced by another scheme authorised by Transport for NSW, and
  - (c) may be revoked by Transport for NSW at any time.
- (3) A person taking part in the carrying out of a authorised children’s crossing scheme must—
- (a) be at least 18 years of age, and
  - (b) wear a safety vest issued to the person by Transport for NSW.
- (4) For the purpose of carrying out an authorised children’s crossing scheme, when children are about to use or are on a crossing, a person authorised for the purpose by Transport for NSW—
- (a) may cause to be exhibited at or near the crossing, on each side of the roadway, a hand-held stop sign, or
  - (b) cause a barrier to be placed on each side of the crossing across or partly across the roadway.
- (5) A barrier referred to in subsection (4)(b)—
- (a) must be placed so it is—
    - (i) parallel to the crossing, and
    - (ii) on the side of the crossing nearer to approaching traffic, and
  - (b) must—
    - (i) be of a type approved by Transport for NSW, and
    - (ii) have affixed to it a stop sign in, or to the effect of, a hand-held stop sign, and
  - (c) must be constructed so when it is placed in position on the roadway, the stop sign affixed to it will face and be clearly visible to the driver of a motor vehicle approaching the crossing on the side of the roadway where the barrier is situated.
- (6) In court proceedings, evidence a hand-held stop sign was exhibited in accordance with this section by a person at or near a crossing when children were about to use, or were on, the crossing, is admissible and is prima facie evidence the exhibition of the sign by the person was authorised.
- (7) In this section—
- crossing** means—

- (a) a children's crossing within the meaning of the *Road Rules 2014*, rule 80, or
- (b) a pedestrian crossing within the meaning of the *Road Rules 2014*, rule 81.

**hand-held stop sign** means a traffic sign of the kind referred to in the *Road Rules 2014*, rule 80.

## Part 3 Seizure and impounding of vehicles

### Division 1 Interpretation

#### 32 Definitions

In this Part—

**designated road** means the following roads, or parts of roads, in Kings Cross in the City of Sydney—

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

**enforcement officer** means—

- (a) the general manager, or
- (b) an employee of the City of Sydney Council authorised by the general manager to be an enforcement officer for the purposes of Division 3.

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

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

## **Division 2 Seizure of vehicles by police officers**

### **33 When police officers may seize motor vehicles or trailers**

- (1) A police officer may seize and take charge of, and remove or tow away or cause to be removed or towed away, a motor vehicle or trailer—
  - (a) that is a danger or unreasonable obstruction to traffic, or
  - (b) that has been abandoned on a road, or
  - (c) that has been caused or permitted to be used contrary to law on a part of a road in which is conspicuously displayed a sign exhibiting or including—
    - (i) the words “tow away area”, or
    - (ii) the words “vehicles impounded”, or
    - (iii) words indicating the vehicle is subject to seizure.
- (2) Before seizing a motor vehicle or trailer, the police officer must—
  - (a) if a person is in charge of the vehicle—
    - (i) request the person to remove the vehicle, or cause it to be removed immediately, and
    - (ii) give the person a reasonable opportunity to comply with the request, or
  - (b) if no person is in charge of the vehicle—
    - (i) make reasonable inquiry for the purpose of locating the responsible person for, or driver of, the vehicle, and
    - (ii) if the responsible person or driver is located—carry out the matters referred to in paragraph (a)(i) and (ii).
- (3) For the purposes of subsection (2)(b)(i), reasonable inquiry—
  - (a) must be made in the area where the vehicle is found, and
  - (b) does not authorise or require a police officer to enter a building for the purpose of the inquiry.

### **34 Where seized vehicle to be kept**

A motor vehicle or trailer removed or towed away under section 33 may be kept or impounded at a place appointed or set apart by the Commissioner of Police for the purpose.

### **35 Commissioner of Police to notify responsible person of seizure**

On seizure of a motor vehicle or trailer under this Division, the Commissioner of Police must—

- (a) if the name and address of the responsible person for the vehicle are recorded in the NSW registrable vehicles register—send or cause to be sent to the person, within 14 days after the seizure, a notice setting out the following particulars—
  - (i) the time, date and place of the seizure,
  - (ii) the place where the vehicle is kept or impounded, or
- (b) if the name and address of the responsible person for the vehicle are not recorded in the NSW registrable vehicles register—
  - (i) if the responsible person for the vehicle can, after reasonable inquiry, be located—send or cause to be sent to the responsible person a notice setting out the particulars referred to in paragraph (a) within a period of 14 days after the seizure, or
  - (ii) if the responsible person for the vehicle cannot, after reasonable inquiry, be located—cause a notice setting out the particulars specified in paragraph (a) to be published in a newspaper circulating in the area in which the vehicle was seized.

### **36 Applications for release of seized motor vehicle or trailer**

- (1) An application for the release of a motor vehicle or trailer kept or impounded under this Division must be made to an officer-in-charge by—
  - (a) the responsible person for the motor vehicle or trailer, or
  - (b) a person acting on behalf of the responsible person.
- (2) The motor vehicle or trailer must not be released from custody unless—
  - (a) the applicant has provided evidence to the officer-in-charge regarding the identity of the responsible person for the motor vehicle or trailer, and
  - (b) the officer-in-charge is satisfied the applicant—
    - (i) is the responsible person, or
    - (ii) possesses authority to act on behalf of the responsible person, and

- (c) the appropriate amount fixed by the Commissioner of Police as the amount payable for the seizure, taking charge of, removal, towing away, keeping, impounding or releasing of the motor vehicle or trailer has been paid to the officer-in-charge, and
- (d) the applicant has signed a receipt for the delivery of the motor vehicle or trailer on a form supplied to the applicant by the officer-in-charge.

### **37 Disposal or destruction of seized motor vehicle or trailer**

A motor vehicle or trailer seized under this Division may be disposed of or destroyed in accordance with the directions of the Commissioner of Police if, within 3 months after the date on which the motor vehicle or trailer was seized, the responsible person has failed to—

- (a) claim the motor vehicle or trailer, or
- (b) pay the amount referred to in section 36(2)(c).

## **Division 3 Seizure of vehicles by council employees in Kings Cross area**

### **38 When council employees may seize motor vehicles or trailers**

- (1) An enforcement officer may seize and take charge of, and remove or tow away or cause to be removed or towed away, a motor vehicle or trailer that has been caused or permitted to be used contrary to law on a part of a designated road in which is conspicuously displayed a sign exhibiting or including—
  - (a) the words “tow away area”, or
  - (b) the words “vehicles impounded”, or
  - (c) words indicating the vehicle is subject to seizure.
- (2) Before seizing a motor vehicle or trailer, the enforcement officer must—
  - (a) if a person is in charge of the vehicle—
    - (i) request the person to remove the vehicle, or cause it to be removed immediately, and
    - (ii) give the person a reasonable opportunity to comply with the request, or
  - (b) if no person is in charge of the vehicle—
    - (i) make reasonable inquiry for the purpose of locating the responsible person for, or driver of, the vehicle, and
    - (ii) if the responsible person or driver is located—carry out the matters referred to

in paragraph (a)(i) and (ii).

(3) For the purposes of subsection (2)(b)(i), reasonable inquiry—

(a) must be made in the area where the vehicle is found, and

(b) does not authorise or require an enforcement officer to enter a building for the purpose of the inquiry.

### **39 Where seized vehicle to be kept**

A motor vehicle or trailer removed or towed away under section 38 may be kept or impounded at a place appointed or set apart by the Commissioner of Police for the purpose.

### **40 Enforcement officer to notify TfNSW**

(1) As soon as practicable after the seizure of a motor vehicle or trailer, the enforcement officer must—

(a) give Transport for NSW notice of the seizure containing a description of the vehicle to which it relates, including—

(i) particulars on the registration label and number-plate attached to the vehicle, if any, and

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

(b) request Transport for NSW to supply the enforcement officer with the names and addresses of the responsible person for the vehicle known or available to Transport for NSW.

(2) Transport for NSW is to give the enforcement officer the requested particulars within 3 business days after receipt of the notice.

### **41 Enforcement officer to notify responsible person of seizure**

(1) If the name and address of the responsible person for the vehicle are supplied by Transport for NSW, the enforcement officer must, within a period of 14 days after the seizure, send or cause to be sent to the responsible person a notice setting out the following particulars—

(a) the time, date and place of the seizure,

(b) the place where the vehicle is kept or impounded.

(2) If the name and address of the responsible person for the vehicle are not supplied by Transport for NSW, the enforcement officer must—

(a) if the responsible person for the vehicle can, after reasonable inquiry, be

located—send or cause to be sent to the responsible person a notice setting out the particulars set out in section 40(1)(a) within a period of 14 days after the seizure, and

- (b) if the responsible person for the vehicle cannot, after reasonable inquiry, be located—cause a notice setting out the particulars referred to in section 40(1)(a) to be published in a newspaper circulating in the City of Sydney.

#### **42 Application for release of seized motor vehicle or trailer**

- (1) An application for the release of a motor vehicle or trailer kept or impounded under this Division must be made to the general manager at an office of the Council of the City of Sydney during office hours on a business day by—
  - (a) the responsible person for the motor vehicle or trailer, or
  - (b) a person acting on behalf of the responsible person.
- (2) The application must be dealt with by an enforcement officer.
- (3) The motor vehicle or trailer must not be released from custody unless—
  - (a) the applicant has provided evidence to the enforcement officer regarding the identity of the responsible person for the motor vehicle or trailer, and
  - (b) the enforcement officer is satisfied the applicant—
    - (i) is the responsible person, or
    - (ii) possesses authority to act on behalf of the responsible person, and
  - (c) the amount payable under a penalty notice served on the responsible person for an offence against this Regulation in relation to stopping or parking the motor vehicle or trailer in the portion of the designated road from which it was removed or towed away has been paid, and
  - (d) the appropriate amount fixed by Transport for NSW as the amount payable for the seizure, taking charge of, removal, towing away, keeping, impounding or releasing of the motor vehicle or trailer has been paid to the enforcement officer, and
  - (e) the applicant has signed a receipt for the delivery of the motor vehicle or trailer on a form supplied to the applicant by the enforcement officer.
- (4) For the purposes of subsection (3)(c), an amount is not to be taken to be payable under a penalty notice unless the requirements of Part 3 of the *Fines Act 1996* have been complied with.

#### **43 Disposal or destruction of seized motor vehicle or trailer in accordance with direction**



### **of Commissioner of Police**

A motor vehicle or trailer seized under this Division may be disposed of or destroyed in accordance with the directions of the general manager if, within 3 months after the date on which the motor vehicle or trailer was seized, the responsible person has failed to—

- (a) claim the motor vehicle or trailer, or
- (b) pay the amount referred to in section 42(3)(d).

## **Division 4 Impounded vehicles**

### **44 Impounding fee**

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

### **45 Towing fee for impounded vehicles**

- (1) A fee is payable to the Commissioner of Police by the responsible person for a vehicle towed under the Act, section 239 or 242, except as otherwise provided by this section or section 46.
- (2) The fee payable is the lesser of the following—
  - (a) the actual cost of towing the vehicle,
  - (b) the maximum charge for the time being determined under the [Tow Truck Industry Act 1998](#), section 54, including any surcharge chargeable, in the circumstances of the case, in accordance with a determination under the section, for a vehicle towed—
    - (i) from within the Sydney metropolitan area—a 50-kilometre tow, or
    - (ii) from outside the Sydney metropolitan area—a 100-kilometre tow.
- (3) The Commissioner of Police must give notice of the fee to the responsible person for the vehicle.
- (4) Except as otherwise provided by this Regulation, the fee is due 14 days after the notice is given.

### **46 Exceptions to towing fee**

- (1) A towing fee is only payable if—
  - (a) a person is convicted of a sanctionable offence within the meaning of the Act, Part 7.6, or
  - (b) a penalty notice, issued under the Act, Part 7.3, Division 3 in relation to the

alleged offence, is dealt with by payment of—

- (i) the penalty prescribed under the Division, or
  - (ii) a penalty notice enforcement order under the *Fines Act 1996* made, or is taken to have been made, against the person and not subsequently quashed or set aside.
- (2) A towing fee is refundable if it has been paid for the towing of a vehicle in circumstances other than subsection (1).
- (3) A fee is not payable under this section by the responsible person for the vehicle if the person provides the Commissioner of Police with a statutory declaration stating—
- (a) the offence concerned was not committed with the responsible person's consent, and
  - (b) the responsible person did not know, and could not reasonably be expected to have known, 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 the time.
- (4) A fee that, in accordance with subsection (3), is not payable by the responsible person for the vehicle is payable by the person driving the vehicle at the time of the offence concerned.
- (5) A statutory declaration of a responsible person alleging another person was the driver of the vehicle at the time of the offence is, if produced in proceedings for recovery of a fee under section 45, evidence of the driver's identity unless evidence to the contrary is adduced.
- (6) If a court finds an offence proven in relevant proceedings it may, to avoid undue hardship to a person or a perceived injustice, order—
- (a) the fee payable for the towing of the vehicle in connection with the alleged offence be reduced by an amount specified by the court, or
  - (b) in the circumstances of the case, no fee is payable.
- (7) In subsection (6)—

**relevant proceedings** means—

- (a) proceedings for an alleged sanctionable offence within the meaning of the Act, Part 7.6, or
- (b) an application under the Act, section 249 following the impounding of a vehicle for an alleged offence.

**47 Notice of sale of impounded vehicles or vehicles forfeited to the Crown**

- (1) This section applies to a vehicle that—
  - (a) was impounded under the Act, section 239, 242 or 245, and
  - (b) has not been released, in accordance with the Act, Part 7.6, at the end of the period for which it was liable to be impounded.
- (2) The Commissioner of Police may issue a notice confirming the vehicle is liable to be offered for sale unless appropriate steps are taken to procure the release of the vehicle.
- (3) The notice must be given to—
  - (a) the registered operator of the vehicle, and
  - (b) a person with a registered interest in the motor vehicle, as defined in the Act, section 237.

**48 Offer for sale of impounded vehicles or vehicles forfeited to the Crown**

- (1) For the purposes of the Act, section 252, a vehicle may be offered for sale if the vehicle—
  - (a) has remained impounded for 28 days after the service of notices referred to in section 47(4), or
  - (b) has been forfeited to the Crown under the Act, section 243 or 245.
- (2) Despite subsection (1), a vehicle may not be offered for sale—
  - (a) while an application under the Act, section 249, or subsequent proceedings arising out of the application, are pending, or
  - (b) contrary to the order of a court.

**49 Application for balance of proceeds of sale**

- (1) A person may apply to the Commissioner of Police to receive the balance of the proceeds of sale of a vehicle sold in accordance with this Regulation within 12 months after the sale of the vehicle.
- (2) The Commissioner of Police may pay the balance of the proceeds of sale to the person

if the Commissioner is satisfied that—

(a) the person was lawfully entitled to the vehicle immediately before its sale, and

(b) there was a reasonable excuse for the person's failure to obtain the release of the vehicle before it was sold.

(3) The Commissioner of Police may require the person to provide evidence necessary to satisfy the Commissioner of the matters referred to in subsection (2).

(4) In this section—

**balance of the proceeds of sale**, for a vehicle, means the proceeds of sale of the vehicle after deduction of—

(a) the applicable movement, towing and storage fees payable under the Act, and

(b) the reasonable costs of, or incidental to, the sale of the vehicle.

## **Part 4 Mass, dimension and load requirements for light vehicles and light combinations**

### **Division 1 Preliminary**

#### **50 Application of Part**

(1) This Part applies to a light vehicle or light combination on a road only.

(2) This Part does not apply to a light vehicle or light combination used only on a railway or tramway.

#### **51 Definitions**

In this Part—

**added load** means the moveable load carried by a vehicle.

**axle load** means the total load, determined in accordance with section 69, transmitted to the road by all wheels of a vehicle that are mounted on an axle.

**load-carrying**, in relation to a vehicle or combination, means a vehicle or combination carrying, or built to carry, a load.

**loaded mass** means the mass of a vehicle and its added load.

**total mass** means—

(a) for a load-carrying vehicle or combination—the loaded mass of the vehicle or combination, and

- (b) for a non load-carrying vehicle or combination—the mass of the vehicle or combination together with—
- (i) the goods, passengers and drivers in or on the vehicle or combination, and
  - (ii) the fuel, water, lubricants and readily removable equipment carried in or on the vehicle or combination and required for its normal operation, and
  - (iii) personal items used by a driver of the vehicle or combination, and
  - (iv) anything normally removed from the vehicle or combination when not in use.

**vehicle** includes the vehicle's equipment and substances the vehicle is carrying essential for its operation.

**wheel** includes a group of wheels that are mounted on an axle and are on one side of the longitudinal centreline of the vehicle.

## **52 Use of vehicle in contravention of dimension, mass or load restraint requirements**

- (1) A person must not drive, or cause to be driven, along a road a light vehicle or light combination contravening a dimension, mass or load restraint requirement imposed by this Part otherwise than in accordance with a permit issued under section 62.

Maximum penalty—30 penalty units.

- (2) In this section, **dimension requirement**, **mass requirement** and **load restraint requirement** have the same meanings as in the Act, Schedule 1, clause 7.

## **Division 2 Mass limits for certain motor lorries and certain trailers**

### **53 Definitions**

- (1) In this Division—

**existing motor lorry** means a motor lorry for which—

- (a) a New South Wales registration was in force on 1 January 1995, and
- (b) registration has continued in force from 1 January 1995.

**visiting motor lorry** means a motor lorry temporarily in New South Wales.

- (2) For the purposes of the definition of **existing motor lorry** in subsection (1), registration is taken to have continued in force if the registration is continued without a break by—
- (a) renewal or reissue of the registration, or
  - (b) transfer of the registration to another person.

#### **54 Application of Division**

- (1) This Division applies to motor lorries, including articulated vehicles.
- (2) This Division does not apply to the following—
  - (a) a caravan,
  - (b) a station wagon,
  - (c) a trailer that—
    - (i) weighs not more than 250 kilograms when unladen, and
    - (ii) is used principally or solely for carrying camping equipment, a boat or other materials used in connection with tours for recreational purposes, and
    - (iii) is not used while carrying on trade or business,
  - (d) an excavator, road grader, road roller, bulldozer or other machinery or apparatus, that cannot carry a load other than the tools, spare parts, fuel, water, oil or other accessories, used in connection with the vehicle.
- (3) This Division does not authorise a person to drive or use a motor lorry, or cause a motor lorry to be driven or used, in contravention of a provision of the Act or the statutory rules.

#### **55 Mass limit not to be exceeded**

- (1) A person must not drive a motor lorry on a road if the total mass of the motor lorry exceeds the lorry's mass limit.
- (2) A person does not contravene this section if—
  - (a) the motor lorry is driven in accordance with—
    - (i) the prior written permission of Transport for NSW, and
    - (ii) the conditions, if any, applying to the permission, and
  - (b) a copy of the permission is carried by the driver of the motor lorry when driving the lorry.

#### **56 Mass limits for motor lorries other than existing motor lorries**

- (1) For the purposes of this Division, the **mass limit** of a motor lorry that is not an existing motor lorry is—
  - (a) if the lorry is an articulated vehicle—the GCM of the motor lorry, and
  - (b) if the lorry is not an articulated vehicle—the GVM of the motor lorry.

- (2) For the purposes of subsection (1), the GCM or GVM of a motor lorry not altered since manufacture is the mass recorded for the type of motor lorry by Transport for NSW as the GCM or GVM, respectively.
- (3) However, for the purposes of subsection (1), the GCM for a motor lorry that is an articulated vehicle is 1.67 times the GVM recorded for the vehicle if—
  - (a) Transport for NSW has not recorded a GCM for the articulated vehicle, and
  - (b) Transport for NSW has recorded a GVM for its type of prime mover as a standard table top motor lorry.
- (4) The mass limit of a motor lorry is that determined under section 58 if—
  - (a) the motor lorry has been altered since manufacture, or
  - (b) the motor lorry has not been altered since manufacturer, but to which no mass limit applies under subsection (2) or (3).
- (5) The mass limit of a visiting motor lorry is determined in accordance with the law for the time being in force in the State or Territory where the lorry is registered if—
  - (a) the visiting motor lorry has been altered since manufacture, or
  - (b) the visiting motor lorry has not been altered since manufacturer, but to which no mass limit applies under subsection (2) or (3).

#### **57 Mass limits for existing motor lorries**

- (1) For the purposes of this Division, the **mass limit** of an existing motor lorry is its aggregate weight.
- (2) However, if the lorry has been altered since its aggregate weight was determined, the mass limit of the lorry is to be the mass limit determined under section 58.
- (3) In this section—

**aggregate weight**, for an existing motor lorry, means the aggregate weight in force for the lorry immediately before 1 January 1995 under the *Motor Traffic Regulations 1935*, Regulation 120A, as in force immediately before 1 January 1995.

#### **58 Determination of different mass limits**

- (1) This section applies to a motor lorry that is not a visiting motor lorry.
- (2) Transport for NSW may determine a mass limit for a motor lorry—
  - (a) if the lorry is not an existing motor lorry and no mass limit applies to the lorry under section 56(3) or (4), or

- (b) if the lorry is an existing motor lorry and has been altered as referred to in section 57(3), or
  - (c) if the mass limit of the motor lorry applying under an earlier determination under this section is no longer in accordance with the safe working limits of the motor lorry, or
  - (d) on application by the responsible person for the motor lorry, if Transport for NSW is satisfied the safe loading limits of the motor lorry have been altered.
- (3) A determination under this section must be based on the construction and componentry of the lorry.
- (4) Transport for NSW must notify the responsible person for a motor lorry of—
- (a) a determination made in relation to the lorry, and
  - (b) a refusal of an application by the responsible person under subsection (2)(d).
- (5) A determination under this section takes effect on the later of the following—
- (a) the date on which notice of the determination is served on the responsible person for the motor lorry,
  - (b) the date specified in the notice.

**59 TfNSW may require information or certificate**

- (1) Transport for NSW may, by written notice to the responsible person for a motor lorry, require the responsible person to provide Transport for NSW with the information about the motor lorry or its equipment specified in the notice.
- (2) The responsible person must provide the information within the period specified by Transport for NSW in the notice.
- (3) If Transport for NSW determines a mass limit for a motor lorry under section 58, Transport for NSW—
- (a) may require the responsible person to forward the lorry's certificate of registration to Transport for NSW, and
  - (b) may—
    - (i) endorse the mass limit on the forwarded certificate of registration, or
    - (ii) cancel and reissue the certificate of registration with the mass limit endorsed on the reissued certificate, and
  - (c) must forward the certificate of registration to the responsible person once it has endorsed or reissued the certificate.



- (4) A responsible person for a motor lorry must not fail to comply with a requirement under this section without reasonable excuse.

Maximum penalty—20 penalty units.

## **Division 3 Dimension requirements**

### **60 Projection of loading or equipment of vehicles**

- (1) A person must not drive on a road—
- (a) a motor vehicle, not being a motor bike or a mobile crane 9.5 metres or less in length, if the loading or equipment on the vehicle or trailer drawn by the vehicle projects—
    - (i) more than 150 millimetres beyond the extreme outer portion of either side of the vehicle or trailer, or
    - (ii) if the vehicle is a mobile crane—more than 3.5 metres in front of the steering wheel of the vehicle, or
    - (iii) if the vehicle is not a mobile crane—more than 1.2 metres in front of the headlights of the motor vehicle, or
    - (iv) if the vehicle does not exceed 9.5 metres in length or a trailer—more than 1.2 metres to the rear of the motor vehicle or trailer, except as provided by subsection (3), or
    - (v) if the vehicle exceeds 9.5 metres in length—to the rear of the vehicle beyond a point 4 metres from the rear overhang line, or
  - (b) a motor bike without a sidecar attached if the loading or equipment on the motor bike projects—
    - (i) more than 150 millimetres in front of the outer extremity of the front wheel, or
    - (ii) more than 300 millimetres behind the outer extremity of the rear wheel, or
    - (iii) beyond the extreme outer portion of the motor bike on either side, or
  - (c) a motor bike with a sidecar attached if—
    - (i) a part of the vehicle or its loading or equipment projects more than 600 millimetres in front of the outer extremity of the front wheel or more than 900 millimetres behind the outer extremity of the rear wheel of the motor bike, or
    - (ii) a part of the vehicle or its loading or equipment projects more than 900 millimetres behind the outer extremity of the rear wheel of the motor bike, or
    - (iii) the loading or equipment projects beyond the extreme outer portion of the

vehicle on either side, or

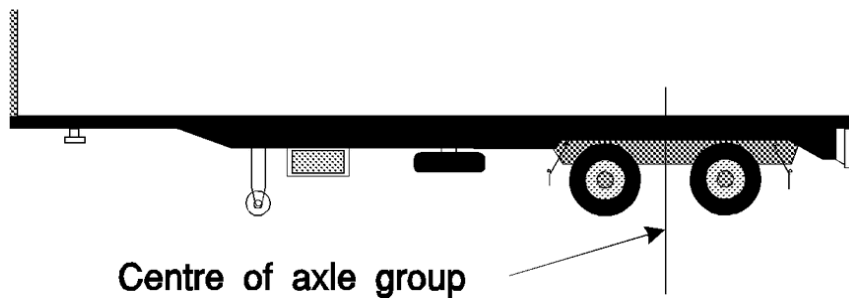
- (d) an articulated vehicle first registered on or after 1 January 1960, not being a vehicle to which a pole-type trailer is attached, if a part of the semi-trailer or its loading or equipment projects more than 1.9 metres radially forward of the axis of the pivot pin, or
  - (e) an articulated vehicle exceeding 19 metres in length, or
  - (f) a motor vehicle and trailer combination exceeding 19 metres in length.
- (2) Subsection (1)(a)(i) does not apply to a rear vision mirror, signalling device, side mounted lamp or tyre pressure monitoring system permitted by the *Road Transport (Vehicle Registration) Regulation 2017* to be fitted to the vehicle.
- (3) It is not a contravention of subsection (1)(a)(iv) for loading or equipment to project more than 1.2 metres to the rear of a motor vehicle or trailer drawn by the vehicle if—
- (a) the overall length of the vehicle or of the combination of vehicle and trailer, together with the loading or equipment on it, is within the relevant limit fixed by the *Light Vehicle Standards Rules*, and
  - (b) there is carried at the extreme rear of the loading or equipment a red flag or other suitable object that—
    - (i) is not less than 300 millimetres square, and
    - (ii) is kept clearly visible as a warning to persons on the roadway nearby the vehicle or trailer, and
  - (c) between the hours of sunset and sunrise, or when there is insufficient daylight to render a person dressed in dark clothing clearly discernible at a distance of 100 metres, there is attached at the extreme rear of the loading or equipment—
    - (i) a lighted lamp showing a clear red light to the rear, visible under normal atmospheric conditions at a distance of 200 metres, or
    - (ii) at least two reflectors capable of projecting a red reflection of light from the light of a following vehicle.
- (4) For the purpose of subsections (1)(a)(iv) and (3), **equipment** includes the pole of a pole-type trailer.
- (5) If a portion of the loading or equipment of a motor vehicle, or of a trailer drawn by the vehicle, projects in a way not readily visible to a person following immediately behind the vehicle, the driver of the vehicle must—
- (a) mark the end of the loading or equipment by a red flag or other suitable object that—

- (i) is not less than 300 millimetres square, and
  - (ii) is kept clearly visible to persons nearby, and
- (b) between the hours of sunset and sunrise or when there is insufficient daylight to render a person dressed in dark clothing discernible at a distance of 100 metres, cause to be attached to the extreme rear of the loading or equipment the lighted lamp or reflectors referred to in subsection (3)(c).

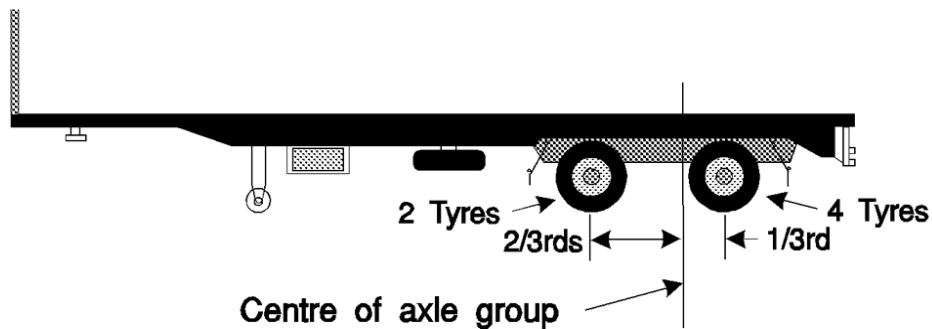
(6) In this section—

**centre of an axle group** means—

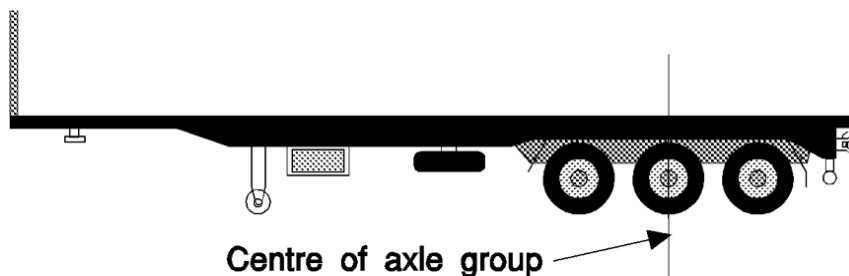
- (a) a line located midway between the centrelines of the outermost axles of the group, or
- (b) if the group consists of 2 axles, one of which is fitted with twice the number of tyres as the other axle—a line located one third of the way from the centreline of the axle with more tyres towards the centreline of the axle with fewer tyres.



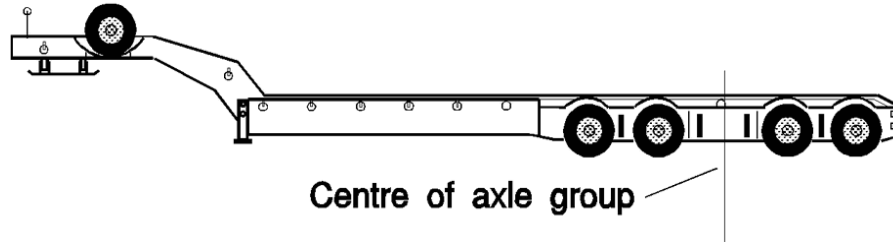
Centre of a typical tandem axle group fitted with an equal number of tyres on each axle



Centre of a typical tandem axle group fitted with a different number of tyres on each axle



**Centre of a typical tri-axle group**



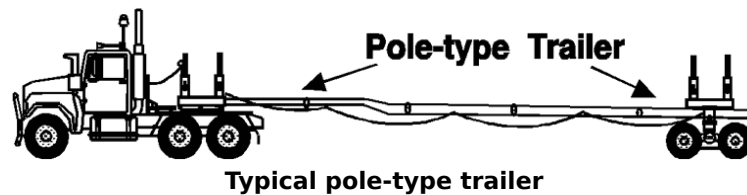
**Centre of a typical quad-axle group**

***pole-type trailer*** means a trailer that—

- (a) is attached to a towing vehicle by a pole or an attachment fitted to a pole, and
- (b) is ordinarily used for transporting loads, for instance logs, pipes, structural members or other long objects, generally capable of supporting themselves like beams between supports.

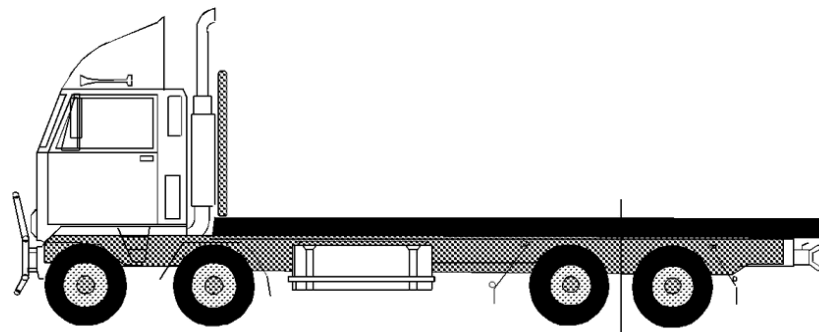
**Note—**

A pole-type trailer is also known as a jinker.



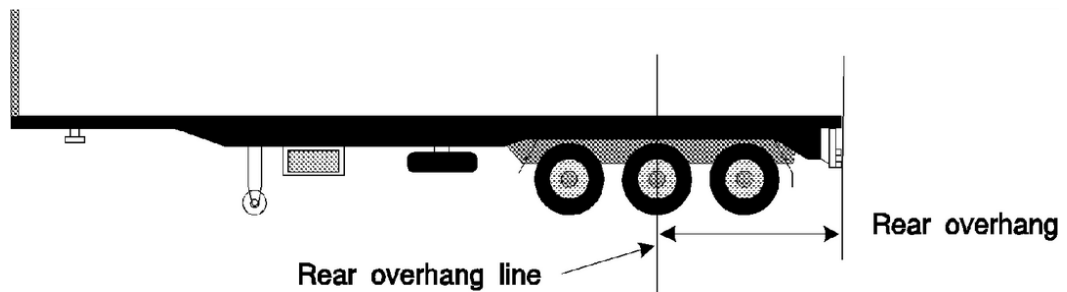
***rear overhang line*** means—

- (a) if there is a single axle at the rear of the vehicle—the centreline of the axle, or
- (b) if there is an axle group at the rear of the vehicle—the centre of the axle group, determined without regard to the presence of any steerable axle or retractable axle in the group unless all axles in the group are steerable or retractable.



Rear overhang line

Rear overhang line on a typical motor vehicle with an axle group



Rear overhang line

Rear overhang line on a typical semi-trailer

**retractable axle** means an axle that can be raised so the tyres on the axle do not touch the ground.

### 61 Exemption by notice in Gazette

- (1) Transport for NSW may, by notice published in the Gazette, exempt a person or class of persons from the operation of a provision of section 60(1).
- (2) The notice must specify—
  - (a) the conditions of the exemption, if any, and
  - (b) how long it is to remain in force.

### 62 Exemption by permit

- (1) Transport for NSW may, on application by a person, issue a permit exempting the person from the operation of a provision of section 60(1).
- (2) An application for a permit must—
  - (a) be in writing and in a form approved by Transport for NSW, and
  - (b) be accompanied by the fee specified in Schedule 1.
- (3) The permit must set out any conditions of the exemption, if any.

- (4) Transport for NSW may, if it considers it appropriate to do so, waive or refund payment of all or part of a fee payable under this section.

## **Division 4 Other mass and dimension requirements**

### **63 Special mass limits**

- (1) A roads authority may, by written notice, fix a maximum axle load, maximum loaded mass or other load limit for a vehicle—
  - (a) if the provisions of this Part do not apply to the vehicle, or
  - (b) in a special case.
- (2) The notice must be—
  - (a) given to the responsible person for the vehicle to which it applies, or
  - (b) published in the Gazette or in a local newspaper circulated in the locality to which the notice applies.
- (3) A load or limit fixed by a notice is taken to be imposed by this Part.
- (4) A person must not fail to comply with the terms of a notice.

### **64 Mass limits for three-wheeled vehicles**

A person must not drive a three-wheeled motor vehicle on a road if the mass of the load of the vehicle exceeds the mass the vehicle is capable of carrying as stated in the certificate of registration for the vehicle.

Maximum penalty—20 penalty units.

### **65 Lower limit to apply if multiple mass requirements**

If more than one mass limit applies to a vehicle or combination, or part of a vehicle or combination, the lower mass limit must be complied with.

### **66 Load requirements**

- (1) A load on a vehicle or a trailer must not be placed in a way making the vehicle unstable or unsafe.
- (2) A load on a vehicle or a trailer must be secured so it is unlikely to fall or be dislodged from the vehicle.
- (3) An appropriate method must be used to restrain the load on a vehicle.
- (4) In proceedings for a contravention of a requirement under this section, it is sufficient for the prosecution to prove the load on the vehicle was not placed, secured or

restrained in a way meeting the performance standards recommended in the Load Restraint Guide.

- (5) In proceedings for a failure to comply with this section, a document purporting to be the Load Restraint Guide is taken to be the Load Restraint Guide, unless the document is proved by the defendant not to be the Load Restraint Guide.
- (6) If the prosecution in proceedings for a contravention of a requirement under subsection (2) proves the load, or part of the load, had fallen off the vehicle, the burden of proof is on the defendant to show compliance.
- (7) In this section—

***Load Restraint Guide*** means the *Load Restraint Guide for Light Vehicles 2018*, published by the National Transport Commission and in force from time to time.

**Note—**

The Load Restraint Guide is available on the National Transport Commission's website ([www.ntc.gov.au](http://www.ntc.gov.au)).

## **67 Driver to have sufficient control**

A person must not drive a motor vehicle on a road—

- (a) if the vehicle is constructed, equipped or loaded, or if anything is attached to the vehicle, in a way preventing the person from having a view—
  - (i) of traffic on either side of the vehicle, or
  - (ii) in all directions in front of the vehicle, or
  - (iii) enabling the driver to drive the vehicle safely, or
- (b) if the vehicle is a motor bike constructed, equipped or loaded, or if anything is attached to the motor bike, in a way preventing the driver from having a view of the approach of an overtaking vehicle, or
- (c) if the person is prevented from safely driving or controlling the motor vehicle, or trailer or other vehicle attached to the motor vehicle, because of—
  - (i) the weight or dimensions of the loading or equipment of the towing vehicle, trailer or other towed vehicle, or
  - (ii) the manner in which the loading or equipment is placed on or attached to the towing vehicle, trailer or other towed vehicle.

Maximum penalty—20 penalty units.

## Division 5 Checking and measuring procedures

### 68 Method of determining wheel loads

- (1) For the purpose of determining the wheel load of a wheel of a motor vehicle or a trailer, the wheel is to be weighed in a way so that the wheel or wheels are weighed together with the portion of the vehicle and load supported by the wheel or wheels.
- (2) For the purposes of subsection (1), the wheel may weighed—
  - (a) alone, or
  - (b) together with another wheel or wheels forming an axle group of which the wheel being weighed forms part.
- (3) If a wheel is weighed together with other wheels, the wheel load of the wheel being determined is the mass of all the wheels weighed divided by the number of wheels weighed.
- (4) In this Division, **wheel load** means the mass transmitted to the road by a wheel.

### 69 Method of determining axle loads

For the purpose of determining the axle load of an axle or axle group of a motor vehicle or trailer, either of the following methods may be used—

- (a) the wheel loads of all wheels on the axle or in the axle group may be added together,
- (b) if the mass of the vehicle, together with a load that it supports, is known—the axle loads of all single axles and all the axle groups, other than the axle or group the load of which is being determined, are to be subtracted from the mass.

### 70 Method of determining total mass

For the purpose of determining the total mass of a vehicle or combination, either of the following methods may be used—

- (a) the axle loads of all the single axles and all the axle groups of the vehicle or combination may be added together,
- (b) all the wheels of the vehicle or combination, together with the vehicle and added loads supported by the wheels, may be weighed simultaneously on a weighing device or weighing devices.

### 71 Weighing devices

- (1) This section applies to a weighing device used for the purpose of determining a wheel load, an axle load or a total mass in accordance with this Part.
- (2) If the weighing device shows a mass in excess of the weight for which the device has



been verified under the *National Measurement Act 1960* of the Commonwealth, the load on the device is, for the purposes of this Part, taken to be the weight for which the weighing device has been verified.

## Division 6 Miscellaneous

### 72 Keeping documents

- (1) The driver of a vehicle or a combination must carry in the driving compartment—
  - (a) a copy of a notice or permit given under this Part under which the vehicle or the combination is operating, or
  - (b) an information sheet setting out the obligations imposed under the notice or permit.

Maximum penalty—30 penalty units.

- (2) Subsection (1) does not apply if the notice or permit states the subsection does not apply.

- (3)

In this section—

**information sheet** means advice published or adopted by Transport for NSW and available on request from Transport for NSW.

### 73 Exemptions in emergencies

- (1) In an emergency, for example a fire, explosion or natural disaster, Transport for NSW may exempt a vehicle or combination, or its driver or responsible person for the vehicle, from a requirement of this Part if—
  - (a) the vehicle or combination is being used, or is intended to be used—
    - (i) to protect life or property, or
    - (ii) to restore communication services, or
    - (iii) to restore energy or water services, or services including sewage disposal, or
    - (iv) to provide drought relief, and
  - (b) the exemption does not present an unreasonable danger to other road users.
- (2) An exemption may be subject to conditions imposed by Transport for NSW.
- (3) Transport for NSW—
  - (a) must make a written record of the exemption and its conditions, and

- (b) may cause the exemption and conditions to be communicated orally to the driver or responsible person.

## **Part 5 Road transportation**

### **Division 1 Monitoring of heavy vehicles and vehicles carrying dangerous goods**

#### **74 Vehicles to which the Act, Part 6.1 applies, in addition to vehicles carrying dangerous goods**

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

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

#### **75 Prescribed officers for the purposes of the Act, Part 6.1**

- (1) For the purposes of the Act, Part 6.1, the following persons are authorised as prescribed officers—
  - (a) officers employed by Transport for NSW as enforcement officers and to whom Transport for NSW has issued a written authorisation for the purposes of this Division,
  - (b) officers of SafeWork NSW who are employed as inspectors of dangerous goods,
  - (c) authorised officers within the meaning of the *Dangerous Goods (Road and Rail Transport) Act 2008*,
  - (d) persons employed by the National Heavy Vehicle Regulator as authorised officers.
- (2) For the purposes of the Act, section 154(4)(b), the prescribed manner of identification is—
  - (a) for a prescribed officer employed by Transport for NSW—wearing a uniform of Transport for NSW, or
  - (b) for a prescribed officer employed by SafeWork NSW—wearing a reflectorised vest displaying the words “SAFETY OFFICER”, or
  - (c) for a prescribed officer referred to in subsection (1)(c)—wearing a reflectorised vest displaying the letters “EPA”, or
  - (d) for a prescribed officer employed by the National Heavy Vehicle Regulator—wearing a uniform of the National Heavy Vehicle Regulator.
- (3) In this section—

**National Heavy Vehicle Regulator** means the National Heavy Vehicle Regulator established under the [Heavy Vehicle National Law \(NSW\)](#), section 656.

#### **76 Manner of approval of aspects of data recording and related matters**

An approval of Transport for NSW for the purposes of the Act, Part 6.1 is to be signified in one of the following ways—

- (a) in a Vehicle Monitoring Device Specification published or adopted by Transport for NSW and available on request from Transport for NSW,
- (b) by written instrument—
  - (i) signed by a person who has received written authorisation from Transport for NSW to give the approval, and
  - (ii) given to a person seeking to rely on the approval.

#### **77 Accessories to contravention of the Act, Part 6.1**

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

Maximum penalty—20 penalty units.

#### **78 Manner of granting exemptions**

(1) For the purposes of the Act, section 158(1), an exemption may be granted—

- (a) by order published in—
  - (i) the Gazette, or
  - (ii) a newspaper circulating in New South Wales, or
- (b) by written notice—
  - (i) signed by a person who has received written authorisation from Transport for NSW to give the exemption, and
  - (ii) given to the person who is, or whose vehicle is, to be exempted.

(2) An exemption granted in the manner provided by subsection (1)(b) may in the same manner be rescinded.

#### **Note—**

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

## Division 2 Speed limiters

### 79 Application of the Act, Part 6.2

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

- (a) a motor lorry, excluding a lorry to which the *Heavy Vehicle (Vehicle Standards) National Regulation (NSW)*, Schedule 2, Part 10 applies—
  - (i) manufactured on or after 1 January 1988, and
  - (ii) having a GVM exceeding 15 tonnes, or
- (b) a bus, excluding a bus to which the *Heavy Vehicle (Vehicle Standards) National Regulation (NSW)*, Schedule 2, Part 10 applies—
  - (i) manufactured on or after 1 January 1988, and
  - (ii) having a GVM exceeding 14.5 tonnes, and
  - (iii) used to provide a public passenger service, or
- (c) a motor lorry—
  - (i) manufactured on or after 1 January 1991, and
  - (ii) having a GVM exceeding 12 tonnes, or
- (d) a bus—
  - (i) manufactured on or after 1 January 1991, and
  - (ii) having a GVM exceeding 5 tonnes, and
  - (iii) used to provide a public passenger service.

### 80 Manner of limiting speed

- (1) For the purposes of the Act, Part 6.2, the manner of limiting the speed of a vehicle is—
  - (a) if the vehicle was manufactured on or after 1 January 1989—the manner prescribed by the third edition ADR for vehicles of the type, and
  - (b) if the *Heavy Vehicle (Vehicle Standards) National Regulation (NSW)*, Schedule 2, Part 10 applies to the vehicle—the manner prescribed in Part 10, and
  - (c) if the vehicle is not a vehicle referred to in paragraph (a) or (b)—the manner prescribed by an order made by Transport for NSW and published in the Gazette.
- (2) In this section—

**third edition ADR** has the same meaning as in the Light Vehicle Standards Rules.

## 81 Modifications

- (1) Transport for NSW or a police officer may serve a notice under this section on the responsible person for a vehicle to which the Act, Part 6.2 applies if Transport for NSW or the police officer has reason to believe the vehicle is capable of being driven at a speed exceeding 105 kilometres per hour.
- (2) Transport for NSW or a police officer may serve a notice under this section on the person who, at the time of the offence or alleged offence concerned, was the responsible person for a vehicle to which the Act, Part 6.2 applies—
  - (a) if—
    - (i) a driver of the vehicle has been convicted of an offence arising out of a contravention of section 4 while driving the vehicle, and
    - (ii) it was found by the court that, at the time of the offence, the driver was driving the vehicle at a speed exceeding 105 kilometres per hour, or
  - (b) if—
    - (i) a driver of the vehicle has paid a penalty prescribed for the purposes of the Act, section 195 in relation to an alleged offence so arising, and
    - (ii) the police officer or authorised officer who issued the relevant penalty notice indicated on the notice that, at the time of the alleged offence, the driver was driving the vehicle at a speed exceeding 105 kilometres per hour, or
  - (c) if—
    - (i) a penalty notice enforcement order under the *Fines Act 1996* has been made, or is taken to have been made, against a driver of the vehicle in relation to an alleged offence so arising, and
    - (ii) the police officer or authorised officer who issued the relevant penalty notice indicated on the notice that, at the time of the alleged offence, the driver was driving the vehicle at a speed exceeding 105 kilometres per hour.
- (3) A notice under this section may require the responsible person on whom the notice was served to—
  - (a) make alterations to the vehicle so the speed at which it is capable of being driven is limited, in the manner prescribed for the purposes of the Act, Part 6.2, to not more than 100 kilometres per hour, and
  - (b) supply information concerning the alterations made to the vehicle as the notice indicates, and

- (c) have the vehicle tested to determine whether the vehicle's speed is limited in accordance with the Act, Part 6.2, and to provide a certificate to that effect in the manner and form specified in the notice.

## **82 Authorised person for certification of speed limiter compliance**

A person who is authorised to inspect, service, repair and certify the proper working of a speed limiting mechanism fitted to a vehicle by the manufacturer of the speed limiting mechanism is prescribed for the purposes of the Act, section 163(2), definition of **authorised person**.

## **83 Exemptions**

- (1) Transport for NSW may exempt a person or vehicle from a specified provision of section 79 or 80—
  - (a) by order published in—
    - (i) the Gazette, or
    - (ii) a newspaper circulating in New South Wales, or
  - (b) by written notice—
    - (i) signed by a person who has received written authorisation from Transport for NSW to give the exemption, and
    - (ii) given to the person who is, or whose vehicle is, to be exempted.
- (2) An exemption may be unconditional or may be subject to conditions specified in the order or notice.
- (3) If an exemption is subject to conditions, the exemption ceases to have effect if a condition of the exemption is contravened.
- (4) An exemption granted in the manner provided by subsection (1)(b) may in the same manner be rescinded.

### **Note—**

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

## **Part 6 Pay parking schemes**

### **Division 1 Operation of pay parking schemes**

#### **84 Establishment of pay parking schemes**

- (1) A parking authority may establish and operate a **pay parking scheme** for a road

within its area of operations by—

- (a) setting aside pay parking spaces or pay parking areas in a road within its area of operations in accordance with TfNSW guidelines, and
  - (b) fixing the fees for parking a vehicle in a pay parking space or pay parking area.
- (2) A parking authority may install devices for use in connection with payment of the fees (**pay parking device**).

#### **85 Pay parking fees**

- (1) The fees for parking in a pay parking space or pay parking area are to be fixed—
  - (a) if the parking authority is a council—by resolution of the council, and
  - (b) if the parking authority is a declared organisation—in accordance with pricing principles set out in TfNSW guidelines.
- (2) Different fees may be fixed for—
  - (a) different pay parking spaces, and
  - (b) different pay parking areas, and
  - (c) different days, and
  - (d) different times of the day.

#### **86 Requirements for pay parking space, area or device**

- (1) Subsection (2) sets out the information that must be displayed clearly—
  - (a) for a pay parking space—in, or in close proximity to, the pay parking space, or
  - (b) for a pay parking area—in the pay parking area, or
  - (c) for a pay parking device—on, or during the use of, the pay parking device.
- (2) The following information must be displayed—
  - (a) the fee, if any, fixed for the use of the pay parking space or pay parking area,
  - (b) the methods of payment that may be used to pay the fee,
  - (c) other information that may be set out in TfNSW guidelines for the purposes of this section.

#### **87 Duration of pay parking period**

- (1) A **pay parking period** is the period of time during which a vehicle is authorised to park in a pay parking space or pay parking area because of payment of the fee for the

parking.

- (2) A pay parking period commences on the date and time the pay parking period is initiated in accordance with the procedures of the parking authority.

#### **88 Evidence of payment of parking fee**

- (1) A person must not, in relation to a vehicle parked in a pay parking space or pay parking area, falsely represent the relevant parking fee has been paid.

Maximum penalty—20 penalty units.

- (2) For the purposes of this section, ways in which a false representation is made include, but are not limited to, displaying in or on the vehicle—
  - (a) an article or thing resembling evidence of the payment of a relevant parking fee falsely suggesting the fee has been paid, or
  - (b) evidence of the pre-payment of a relevant parking fee that is altered, defaced, mutilated or illegible.

#### **89 Damage to or misuse of pay parking devices**

A person must not—

- (a) damage a pay parking device, or
- (b) deface a pay parking device,
- (c) affix anything, including advertising matter, to a pay parking device, or
- (d) do anything interfering with, or is likely to interfere with, the proper working of a pay parking device unless lawfully authorised to do so, or
- (e) fraudulently operate a pay parking device.

Maximum penalty—20 penalty units.

#### **90 Temporary closure of pay parking space or pay parking area**

- (1) A parking authority may, if it decides the use of a pay parking space or pay parking area should be temporarily discontinued, close the space or area.
- (2) A pay parking space or pay parking area is closed if a sign displaying words to the effect the space or area is temporarily closed is erected—
  - (a) for a pay parking space—in, or in close proximity to, the pay parking space, or
  - (b) for a pay parking area—in the pay parking area.
- (3) In this section, a **pay parking area** includes part of a pay parking area.



**Note—**

A driver who parks in a pay parking space or pay parking area that is temporarily closed under this section may commit an offence against the [Road Rules 2014](#), rule 207-7.

**91 Trailers not separately chargeable**

This Division does not require a separate parking fee to be paid for a trailer drawn by another vehicle if the trailer remains attached to the vehicle while the vehicle is parked.

**Division 2 Miscellaneous**

**92 Councils' common pay parking schemes**

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

**93 TfNSW guidelines**

- (1) Transport for NSW may establish TfNSW guidelines for the purposes of this Part.
- (2) Transport for NSW must publish the TfNSW guidelines—
  - (a) on a publicly accessible website maintained by Transport for NSW, or
  - (b) if the website referred to in paragraph (a) is not available—on a publicly accessible government website.
- (3) To the extent a provision of this Regulation requires a parking authority to comply with TfNSW guidelines, a parking authority is not entitled to provide or charge for parking in a pay parking space or pay parking area if it fails to comply with the guidelines.
- (4) For the purposes of this section, a parking authority is taken to have complied with the TfNSW guidelines until the contrary is proved.

**94 Other powers to provide pay parking**

- (1) This Part does not affect other powers of a parking authority to provide for parking on land within its area of operations.
- (2) A parking authority may only exercise a power under this Part in relation to land it does not own with the consent of the owner of the land.
- (3) The consent of the owner of the land—
  - (a) may be given subject to terms and conditions, including terms for the duration and revocation of the consent, and

(b) may be revoked only—

- (i) in accordance with the terms for the revocation of the consent, or
- (ii) otherwise—after giving reasonable notice.

## **95 Overlapping schemes**

- (1) This Part does not prevent a parking authority from establishing and operating a pay parking scheme on a road on which it is operating another pay parking scheme.
- (2) However, a parking authority must not recover a relevant parking fee fixed for a vehicle parking in a pay parking area if another relevant parking fee has been paid for the vehicle.

## **96 Application of money from parking**

- (1) The costs of administering a pay parking scheme are to be borne by the parking authority.
- (2) The costs are taken to include the following—
  - (a) the cost of providing, controlling, maintaining and regulating pay parking,
  - (b) the cost of providing, controlling, maintaining and regulating pay parking devices installed in relation to a pay parking space or pay parking area,
  - (c) the cost of providing and maintaining signs or other devices and marking lines—
    - (i) to indicate the position of a pay parking space or pay parking area, or
    - (ii) to indicate the places in a road where a vehicle, other than a public vehicle, may park.
- (3) A parking authority must pay to Transport for NSW the amount agreed between Transport for NSW and the parking authority for the costs referred to in subsection (2)(c).
- (4) Subject to section 92, fees a parking authority collects in relation the operation of pay parking belong to the parking authority.
- (5) Any surplus arising from the operation of pay parking may be applied at the discretion of the parking authority.

## **97 Disputes**

- (1) A dispute arising under this Part between a parking authority and Transport for NSW is to be resolved by consultation between—
  - (a) the Minister responsible for the parking authority, and

- (b) the Minister administering the Act.
- (2) A dispute arising under this Part between 2 or more parking authorities is to be resolved—
  - (a) if the same Minister is responsible for each parking authority—by the Minister, or
  - (b) otherwise—by consultation between the Ministers responsible for the parking authorities.
- (3) If agreement cannot be reached by consultation, the dispute must be resolved by the Premier.
- (4) In this section, a reference to the Minister responsible for a parking authority is a reference to—
  - (a) for a council—the Minister administering the *Local Government Act 1993*, and
  - (b) for a declared organisation constituted by or under an Act— the Minister administering that Act, and
  - (c) for a government department—the Minister responsible for the department.

#### **98 Powers of police in emergency or obstruction or danger to traffic**

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

**pay parking area** includes a part of a pay parking area.

## Part 7 Mobility parking scheme authorities

### Division 1 Preliminary

#### 99 Definitions

In this Part—

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

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

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

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

**organisation** means a corporation or an unincorporated association of persons.

**scheme authority** means a mobility parking scheme authority issued under this Part.

### Division 2 Issue of scheme authorities

#### 100 TfNSW may issue mobility parking scheme authorities

Transport for NSW may, on application under this Part, issue a mobility parking scheme authority—

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

#### 101 Form of scheme authority

(1) A scheme authority must show the following—

- (a) a unique identifying number allocated by Transport for NSW,
- (b) the full name of the holder of the scheme authority,
- (c) the category of scheme authority issued,
- (d) the expiry date of the scheme authority.

(2) A scheme authority may also show the following—

- (a) a photograph of the individual to whom it has been issued,
  - (b) the date of birth of the individual to whom it has been issued,
  - (c) the signature, or a reproduction of the signature, of an individual to whom it has been issued,
  - (d) the home, business or other address for service of the holder of the scheme authority,
  - (e) other information Transport for NSW considers appropriate.
- (3) A scheme authority may be categorised and colour coded as follows—
- (a) for an individual authority for a disabled person—blue,
  - (b) for a temporary authority for a disabled person with a temporary disability—red,
  - (c) for an organisational authority for the conveyance of disabled persons—green.

#### **102 When scheme authority ceases to be in force**

A scheme authority ceases to be in force on the expiry of the scheme authority unless it is sooner revoked by Transport for NSW under this Part.

### **Division 3 Applications for scheme authorities**

#### **103 Procedure to obtain scheme authority**

- (1) The applicant for a scheme authority must be—
- (a) if the application is for an individual—
    - (i) the individual, or
    - (ii) a person Transport for NSW is satisfied acts on behalf of the individual, or
  - (b) if the application is for an organisation—an individual authorised in writing by the organisation, or the governing body of the organisation, to apply for the scheme authority on its behalf.
- (2) An applicant for the issue of a scheme authority must give Transport for NSW the following—
- (a) a completed application form in the form approved by Transport for NSW,
  - (b) particulars necessary to identify the applicant and the applicant's home or business address for service, including evidence Transport for NSW may reasonably require to verify those particulars,
  - (c) documents or other evidence specified by the application form,

- (d) the fee, if any, fixed under section 104 for the category of scheme authority applied for,
  - (e) if the application is for an individual—evidence, in a form specified by Transport for NSW, that satisfies Transport for NSW the individual—
    - (i) is a disabled person, and
    - (ii) a resident of New South Wales,
  - (f) if the applicant is making the application on behalf of an individual or organisation—
    - (i) evidence specified by the application form or otherwise required by Transport for NSW confirming the applicant's authority to make the application, and
    - (ii) particulars necessary to identify the individual or organisation on behalf of whom or which the application is made, including the individual's or organisation's home, business or other address for service, and
    - (iii) evidence Transport for NSW may reasonably require to verify the particulars of the individual or organisation.
- (3) An address for service given under subsection (2) must be within New South Wales.

#### **104 Application fees**

- (1) Transport for NSW may, by order published in the Gazette, fix fees, or amend or revoke fees, for services provided by Transport for NSW in connection with the issue of scheme authorities.
- (2) Without limiting subsection (1)—
  - (a) different fees may be fixed for different categories of authorities, and
  - (b) different fees may be fixed for different categories of applicants.
- (3) In fixing a fee under subsection (1), Transport for NSW must have regard to the following—
  - (a) the costs, including the estimated costs, associated with the establishment and administration of the mobility parking scheme over the period determined by Transport for NSW (the **specified administration period**),
  - (b) the actual or estimated number of applicants for scheme authorities and participants in the mobility parking scheme during the specified administration period,
  - (c) increases in the Consumer Price Index (All Groups Index) for Sydney issued by the

Australian Bureau of Statistics in the latest published series of the index.

- (4) Transport for NSW may, in a particular case—
  - (a) waive the requirement for a fee, or
  - (b) reduce a fee.

#### **105 Surrender of current or expired scheme authority if applying for new authority**

- (1) An applicant for a new scheme authority must surrender a current scheme authority or expired scheme authority to Transport for NSW before a new scheme authority is issued.
- (2) Despite subsection (1), Transport for NSW may exempt a person from surrendering the current or expired scheme authority if Transport for NSW is satisfied it would be unreasonable, in the circumstances, to require the authority to be surrendered.

### **Division 4 Collection and use of information**

#### **106 Information about eligibility for and use of scheme authority**

- (1) Transport for NSW may give a holder of a scheme authority written notice requiring the holder to provide, in the form specified in the notice, with evidence that satisfies Transport for NSW—
  - (a) the scheme authority has not been misused in the way or circumstances described in the notice, or
  - (b) if the holder is an individual—the individual is—
    - (i) a disabled person, or
    - (ii) a resident of New South Wales, or
  - (c) if the holder is an organisation—the organisation—
    - (i) continues to provide services for the conveyance of disabled persons in New South Wales, or
    - (ii) has its address for service in New South Wales.
- (2) The holder of the scheme authority must comply with the notice.  
Maximum penalty—20 penalty units.

#### **107 Evidence of disability**

For the purposes of satisfying itself under section 103, 106 or 108 an individual is a disabled person, Transport for NSW may require the individual—

- (a) to be examined by—
  - (i) a specified medical practitioner, or
  - (ii) a medical practitioner belonging to a specified class of medical practitioners, and
- (b) to authorise the medical practitioner to provide Transport for NSW with information Transport for NSW may require in relation to the individual's disability.

**108 Change and verification of details of scheme authority holder**

- (1) A holder of a scheme authority must notify Transport for NSW, not more than 14 days after the change, about a change in the holder's—
  - (a) name, or
  - (b) residential address, or
  - (c) if the holder is an individual—status as a disabled person.

Maximum penalty—20 penalty units.

- (2) If there are reasonable grounds for believing information held by Transport for NSW for the administration of the mobility parking scheme is inaccurate or misleading, Transport for NSW may, by written notice, require the holder of a scheme authority to confirm one or more of the following within 21 days of the giving of the notice—
  - (a) the holder's name, or
  - (b) the holder's residential address, or
  - (c) if the holder is an individual—the holder's status as a disabled person.

- (3) The holder of the scheme authority must comply with the notice.

Maximum penalty—20 penalty units.

**109 Information collected under Division 3 or 4**

- (1) Transport for NSW may collect, keep, use and disclose information provided under this Division or Division 3 for the purposes of—
  - (a) carrying out its functions under this Part, or
  - (b) the prosecution of an offence under this Part.
- (2) Despite subsection (1), evidence provided under section 106(1) may only be used to prosecute a person for an offence in relation to the falsity of the evidence provided by the person.



## **Division 5 Photographs**

### **110 TfNSW may require the taking of photographs**

- (1) Transport for NSW may require an applicant for a scheme authority to have the applicant's photograph taken.
- (2) However, Transport for NSW must not require an applicant for a scheme authority to have the applicant's photograph taken if Transport for NSW is satisfied—
  - (a) the applicant is under 16 years of age, or
  - (b) the applicant suffers from a significant facial disfigurement, or
  - (c) the applicant cannot attend a registry to be photographed because of the severity of the applicant's disabilities.
- (3) For the purpose of making a determination under subsection (2)(b) or (c), Transport for NSW may require the applicant to provide supporting documentation from a medical practitioner.

### **111 Purposes for which photographs may be kept and used**

- (1) A photograph of a person taken under this Division may be kept and used by Transport for NSW only for one or more of the following purposes—
  - (a) to reproduce the likeness of the person on a scheme authority,
  - (b) to assist in determining the identity of the person in connection with an application for a new scheme authority,
  - (c) investigating the commission of, or conducting criminal proceedings for, an offence concerning parking or a scheme authority,
  - (d) a purpose for which a photograph to which the Act, Part 3.5 applies may be kept and used by Transport for NSW under the Part,
  - (e) a purpose for which a photograph to which the *Photo Card Act 2005*, Part 4 applies may be kept and used by Transport for NSW under the Part.
- (2) A photograph may be used for the purpose—
  - (a) at the time the photograph is provided or taken, or
  - (b) at a later time.

### **112 Release of photographs prohibited**

- (1) Transport for NSW must ensure a photograph taken under this Division is not released except—

- (a) to the NSW Police Force, or
- (b) to an authority of another jurisdiction or a foreign country having responsibility for issuing interstate or overseas authorities or for the enforcement of parking offences, or
- (c) for the purpose of conducting criminal proceedings for an offence concerning parking or a scheme authority, or
- (d) to the Sheriff, for the purpose of fine recovery proceedings, or
- (e) for a purpose for which a photograph to which the Act, Part 3.5 applies may be released by Transport for NSW under the Part, or

**Note—**

A photograph to which the Act, Part 3.5 applies may be released—

- (a) for a purpose specified in the Act, section 57(1), or
  - (b) for a purpose specified in the [Road Transport \(Driver Licensing\) Regulation 2017](#), clause 109.
  - (f) as provided under another law, or
  - (g) to the person whose likeness is shown in the photograph or on the database.
- (2) A release authorised by subsection (1)(a)–(e) must be in accordance with a protocol approved by the Privacy Commissioner.

## **Division 6 Use of scheme authorities**

### **113 Conditions of scheme authorities**

- (1) The following conditions are the conditions of use of a scheme authority—
- (a) the authority must only be used—
    - (i) if the holder of the authority is an individual—in connection with the conveyance of the holder of the authority, or
    - (ii) if the holder of the authority is an organisation—in connection with the conveyance of disabled persons by or on behalf of the organisation,
  - (b) the authority must not be used if—
    - (i) it has been defaced or otherwise altered, or
    - (ii) the personal or organisational details on the scheme authority are illegible,
  - (c) the whole of the side of the scheme authority marked “THIS SIDE UP” must be clearly displayed—

- (i) at the left of the vehicle's windscreen, or on a window on the left hand or passenger side of the vehicle, or
  - (ii) if a location referred to in subparagraph (i) is not practicable—on another part of the windscreen or other window of the vehicle.
- (2) Transport for NSW may also impose other conditions on the use of a scheme authority.
  - (3) A condition imposed by Transport for NSW does not have effect until written notice of the condition is given to the holder of the scheme authority.

#### **114 Improper use of scheme authorities**

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

Maximum penalty—20 penalty units.

#### **115 Reproducing, copying, defacing, altering or destroying scheme authorities**

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

Maximum penalty—20 penalty units.

#### **116 Return of scheme authorities**

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

Maximum penalty—20 penalty units.

#### **117 Production and confiscation of scheme authorities**

- (1) An authorised officer may direct the person in charge of a vehicle to remove a scheme authority, or an interstate or overseas authority, or a document or other thing purporting to be an authority, displayed in the vehicle and give it to the officer if—
  - (a) the vehicle is stopped in a parking area for people with disabilities, or
  - (b) the vehicle is parked contrary to a permissive parking sign.
- (2) A person to whom a direction is given must immediately comply with the direction.

Maximum penalty—20 penalty units.

- (3) An authorised officer to whom a scheme authority is given may do one or more of the following—
- (a) inspect the authority,
  - (b) request and inspect the identification of the person in charge of the vehicle for the purpose of confirming the person's identity,
  - (c) confiscate the scheme authority if the authorised officer has reasonable grounds to suspect the authority—
    - (i) is not being used by the holder of the scheme authority, or
    - (ii) is being used contrary to the conditions of the scheme authority, or
    - (iii) has expired or been revoked.
- (4) If a scheme authority is confiscated under this section, Transport for NSW must determine whether to revoke the scheme authority in accordance with section 119.
- (5) Transport for NSW must return the scheme authority to its holder as soon as is reasonably practicable if it determines not to revoke the authority.
- (6) In this section—
- authorised officer** means—
- (a) a police officer, or
  - (b) an authorised officer within the meaning of section 132 who is not an officer referred to in Schedule 4 as a Class 3 officer or a Class 4 officer.

**parking area for people with disabilities** has the same meaning as in the [Road Rules 2014](#), rule 203.

## Division 7 Expiry and revocation of scheme authorities

### 118 Expiry of scheme authorities

- (1) A scheme authority expires at the end of the day specified on the scheme authority as the expiry date for the authority.
- (2) Transport for NSW may, by written notice given to the holder of an expired scheme authority, require the holder to return the authority to Transport for NSW.

**Note—**

The Act, section 276 makes provision for how notices to individuals and corporations under this Regulation may be given or served by Transport for NSW. Section 158 makes provision for how notices to unincorporated associations for the purposes of this Part may be given or served by Transport for NSW.

- (3) If the notice is given to an individual or an organisation, the individual or organisation must immediately return the scheme authority to Transport for NSW as soon as is reasonably practicable after receiving the notice.

Maximum penalty—20 penalty units.

- (4) If the notice is given to an unincorporated association, the person in possession of the scheme authority must immediately return it to Transport for NSW as soon as is reasonably practicable after becoming aware the notice has been given.

Maximum penalty—20 penalty units.

### **119 Revocation of scheme authorities**

- (1) Transport for NSW may, at any time, revoke a scheme authority—
- (a) for a failure to comply with the conditions of the scheme authority, or
  - (b) for the misuse of the scheme authority, or
  - (c) for a failure by the holder of the scheme authority to comply with a requirement of Transport for NSW under section 106 or 107, or
  - (d) for any other reason.

- (2) If Transport for NSW decides to revoke a scheme authority, Transport for NSW must give the holder of the scheme authority written notice of—

- (a) the reasons for the proposed revocation, and
- (b) the action, if any, that must be taken by the holder of the scheme authority to avoid or reverse the revocation, and
- (c) the right of the holder to appeal to the Local Court against the decision to revoke the scheme authority, and

**Note—**

See the Act, Part 7.8 and this Regulation, section 142 in relation to appeals to the Local Court against revocations of scheme authorities.

- (d) the date after service of the notice on which the revocation takes effect.

**Note—**

The Act, section 276 makes provision for how notices to individuals and corporations under this Regulation may be given or served by Transport for NSW. Section 158 makes provision for how notices to unincorporated associations for the purposes of this Division may be given or served by Transport for NSW.

- (3) The notice must also state the holder of the scheme authority will no longer be authorised to use the scheme authority on its revocation.

- (4) If the notice is given to an individual or an organisation, the individual or organisation must immediately return the scheme authority to Transport for NSW as soon as is reasonably practicable after receiving the notice.

Maximum penalty—20 penalty units.

- (5) If the notice is given to an unincorporated association, the person in possession of the scheme authority must immediately return it to Transport for NSW as soon as is reasonably practicable after becoming aware the notice has been given.

Maximum penalty—20 penalty units.

- (6) Transport for NSW may decide to revoke a scheme authority without the holder of the scheme authority having been provided with an opportunity to show cause why the scheme authority should not be revoked.

- (7) A scheme authority is revoked in accordance with the terms of the notice unless Transport for NSW, by further written notice to the holder of the scheme authority, withdraws the notice.

## **Part 8 Other parking schemes—parking permits, controlled loading zones and special event parking schemes**

### **Division 1 Parking permits**

#### **120 Parking permits**

- (1) A parking authority may issue a permit authorising the parking of a vehicle without charge or time restrictions in a parking space—
- (a) located within a parking area or road specified in the permit, and
  - (b) designated by the parking authority for use by holders of the permit.
- (2) The permit may be issued in electronic or printed form.
- (3) Transport for NSW may issue TfNSW guidelines from time to time for the issuing of parking permits.
- (4) Transport for NSW must publish the TfNSW guidelines—
- (a) on a publicly accessible website maintained by Transport for NSW, or
  - (b) if the website referred to in paragraph (a) is not available—on a publicly accessible government website.
- (5) A parking authority must not issue a permit except in accordance with the TfNSW guidelines.

(6) In this section—

**parking area** means the following—

- (a) pay parking area,
- (b) permissive parking area,
- (c) special event parking area.

**parking bay** has the same meaning as in the *Road Rules 2014*.

**parking space** means the following—

- (a) pay parking space,
- (b) permissive parking space.

**permissive parking area** means the part of a road to which a permissive parking sign applies.

**permissive parking space** means a parking bay in a permissive parking area.

## Division 2 Controlled loading zone schemes

### 121 Controlled loading zone schemes

- (1) A parking authority may establish and operate a controlled loading zone scheme for a road within its area of operations by setting aside the whole, or a part, of the road as a controlled loading zone.
- (2) A controlled loading zone must be established in accordance with TfNSW guidelines.
- (3) Use of a controlled loading zone is to be free of charge.
- (4) A parking authority—
  - (a) may, in accordance with TfNSW guidelines, install or otherwise provide loading zone devices for use in connection with a controlled loading zone scheme (**loading zone devices**), and
  - (b) may, in accordance with TfNSW guidelines, issue tickets (**loading zone tickets**) for the use of the scheme by a loading zone device.

### 122 Form and duration of loading zone ticket

- (1) A parking authority may issue a loading zone ticket in a printed or electronic form.
- (2) A loading zone ticket expires at the earlier of the following—
  - (a) the time specified on the ticket by the parking authority,

(b) 30 minutes after the time of its issue.

### **123 Evidence of lawful use of controlled loading zone**

(1) A person must not, in relation to a goods vehicle parked in a controlled loading zone, falsely represent the vehicle is parked lawfully in the zone.

Maximum penalty—20 penalty units.

(2) For the purposes of this section, ways in which a false representation is made include, but are not limited to, displaying in or on the vehicle—

(a) an article or thing falsely suggesting the goods vehicle is parked lawfully in the zone, or

(b) evidence of the lawful use of the controlled loading zone that is altered, defaced, mutilated or illegible.

### **124 Damage to and misuse of controlled loading zone device**

A person must not—

(a) damage a loading zone device, or

(b) deface a loading zone device, or

(c) affix anything, including advertising matter, to a loading zone device, or

(d) do anything interfering with, or is likely to interfere with, the proper working of a loading zone device unless lawfully authorised to do so, or

(e) intentionally cause a loading zone device to produce more than one ticket on any one occasion, except for the purpose of obtaining a ticket that is not mutilated or illegible.

Maximum penalty—20 penalty units.

### **125 Temporary closure of controlled loading zone**

(1) A parking authority may, if it decides the use of a controlled loading zone should be temporarily discontinued, close the zone.

(2) A controlled loading zone is closed for the purposes of subsection (1) if a sign displaying words to the effect the zone is temporarily closed is erected in, or in close proximity to, the zone.

### **126 TfNSW guidelines**

(1) Transport for NSW may establish guidelines for the purposes of this Division.

(2) Transport for NSW must publish the TfNSW guidelines—



- (a) on a publicly accessible website maintained by Transport for NSW, or
  - (b) if the website referred to in paragraph (a) is not available—on a publicly accessible government website.
- (3) To the extent a provision of this Regulation requires a parking authority to comply with the TfNSW guidelines, a parking authority is not entitled to operate a controlled loading zone if it fails to comply with the guidelines.
- (4) For the purposes of this section, a parking authority is taken to have complied with a TfNSW guideline until the contrary is proved.

## Division 3 Special event parking schemes

### 127 Special event parking schemes

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

**Note—**

The [Road Rules 2014](#), rule 205A-1 makes provision for parking in special event parking areas. The Dictionary in Schedule 8 defines a **special event parking area** to have the same meaning as in the rule.

## Part 9 Compliance and enforcement

### Division 1 Criminal responsibility

#### 128 Determination of criminal responsibility

- (1) **Application of Commonwealth Criminal Code** Subject to this section, the [Criminal Code](#), Chapter 2, set out in the Schedule to the Commonwealth Criminal Code applies to an offence against this Regulation as if the Chapter were in force as a law of New South Wales.

**Note—**

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

- (2) **Offences are strict liability offences** An offence against this Regulation is a strict liability offence for the purposes of the Commonwealth Criminal Code, Chapter 2, except where this Regulation expressly provides otherwise.
- (3) **General defence of accident or reasonable effort** Without limiting any defence under the Commonwealth Criminal Code, Chapter 2, a person is not liable to a penalty for an offence against this Regulation if the person proves to the satisfaction of the court dealing with the case that the offence—

(a) was the result of an accident, or

(b) could not have been avoided by the person's reasonable efforts.

(4) In this section—

**Commonwealth Criminal Code** means the *Criminal Code Act 1995* of the Commonwealth.

### **129 Operation of Crimes (Sentencing Procedure) Act 1999 not affected**

This Regulation does not affect the application of the *Crimes (Sentencing Procedure) Act 1999* in relation to this Regulation.

**Example—**

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

### **130 No double jeopardy for offence against this Regulation and the Road Rules 2014**

If an act or omission constitutes an offence against this Regulation and the *Road Rules 2014*, the offender is not liable to be punished twice in relation to the same act or omission.

### **131 Prescribed ground of exculpation in relation to average speed detection—the Act, s 129(2)**

(1) It is a prescribed ground of exculpation for a driver of a heavy vehicle (the **driver concerned**) involved in a speeding offence if—

(a) a different driver of the heavy vehicle—

(i) has been convicted, or found guilty, of the speeding offence, or

(ii) has paid the whole, or a part, of the penalty specified in a penalty notice issued to the different driver in relation to the speeding offence, or

(iii) has not paid the penalty specified in a penalty notice issued to the different driver for the speeding offence, has not elected to have the matter dealt with by a court and the time for the different driver to have the matter so dealt with has lapsed, and

(b) the driver concerned gives the Commissioner of Fines Administration a statutory declaration made by the driver concerned stating they obeyed all of the speed limits that applied to them while they were the driver of the vehicle.

(2) A reference to speed limits in subsection (1)(b) does not include an average speed limit calculated in accordance with the Act, Part 5.3, Division 3.

## Division 2 Penalty notice offences

### 132 Definitions

(1) In this Division and Schedule 5—

**authorised officer** means an officer of a class referred to in Schedule 4 who is a person satisfying the criteria specified in the Schedule for an officer of the class.

**average speed detection zone** means a length of road to which an average speed detection zone sign applies, being a length of road—

- (a) beginning at an average speed detection zone sign, and
- (b) ending 300 metres along the length of road in the direction driven by a driver on the road who faces the sign before passing it.

**average speed detection zone sign** means a traffic sign bearing the words “AVERAGE SPEED”.

**class A motor vehicle** means—

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

**class B motor vehicle** means—

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

**class C motor vehicle** means—

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

**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—

- (a) beginning at a Safe-T-Cam sign, and
- (b) ending 300 metres along the length of road in the direction driven by a driver on the road who faces the sign before passing it.

(2) The persons referred to in Schedule 4 are prescribed as authorised officers for the

purposes the Act, section 4(1), definition of **authorised officer**, paragraph (c), but only in relation to the functions conferred on authorised officers by the Act, section 195.

- (3) Words and expressions used in Schedule 4 in connection with a provision of an Act or instrument have the same meanings in the Schedule as they have in the provision.

### **133 Penalty notice offences**

- (1) For the purposes of the Act, section 195, the provisions of this section have effect.
- (2) An offence specified in Schedule 5, Column 1 is an offence for which a penalty notice may be issued.
- (3) If a reference to a provision in Schedule 5, Column 1 is qualified by words restricting its operation to specified kinds of offences or to offences committed in specified circumstances, a penalty notice may only be issued for the offence if it is an offence of a specified kind or is committed in specified circumstances.
- (4) An authorised officer may issue a penalty notice for the offence only if the authorised officer is—
- (a) a police officer, or
  - (b) of a class specified for the offence in Schedule 5, Column 2.
- (5) An authorised officer who is an officer or employee of—
- (a) a council may exercise the functions of an authorised officer only within the local government area of the council, and
  - (b) a declared organisation may exercise the functions of an authorised officer only within the area of operations of the organisation.
- (6) Despite subsection (5), under an arrangement entered into between the bodies concerned for the exercise of the functions of an authorised officer in the areas specified in the arrangement, an authorised officer who is an officer or employee of—
- (a) a council may exercise the functions of an authorised officer in the local government area of another council, or
  - (b) a declared organisation may exercise the functions of an authorised officer in the area of operations of another declared organisation.
- (7) The amount payable under a penalty notice is the amount specified in relation to the offence in Schedule 5, Column 3.

**Note—**

See also sections 135 and 136.

### **134 Penalty levels—the Act, s 195**

For this regulation, penalty amounts are expressed in terms of the following levels—

**Level 1** means a penalty of \$86.

**Level 2** means a penalty of \$129.

**Level 2A** means a penalty of \$137.

**Level 3** means a penalty of \$215.

**Level 3A** means a penalty of \$225.

**Level 4** means a penalty of \$302.

**Level 4A** means a penalty of \$316.

**Level 5** means a penalty of \$387.

**Level 5A** means a penalty of \$405.

**Level 6** means a penalty of \$514.

**Level 6A** means a penalty of \$542.

**Level 7** means a penalty of \$644.

**Level 7A** means a penalty of \$675.

**Level 8** means a penalty of \$772.

**Level 8A** means a penalty of \$811.

**Level 9** means a penalty of \$987.

**Level 9A** means a penalty of \$1,036.

**Level 10** means a penalty of \$1,245.

**Level 10A** means a penalty of \$1,307.

**Level 11** means a penalty of \$1,545.

**Level 11A** means a penalty of \$1,623.

**Level 12** means a penalty of \$1,632.

**Level 12A** means a penalty of \$1,713.

**Level 13** means a penalty of \$2,016.

**Level 14** means a penalty of \$2,661.

**Level 14A** means a penalty of \$2,794.

**Level 15** means a penalty of \$2,835.

**Level 15A** means a penalty of \$2,967.

**Level 16** means a penalty of \$4,035.

**Level 16A** means a penalty of \$4,236.

**Level 17** means a penalty of \$4,376.

**Level 17A** means a penalty of \$4,385.

**Note—**

“A” numbers are used in relation to motor vehicle speeding offences under the *Road Rules 2014*, rule 20.

**135 Penalty levels for certain camera recorded offences**

- (1) This section applies to a camera recorded offence of a kind referred to in the Act, section 184(2) of which a corporation is taken to be guilty under the Act, section 184(1).
- (2) Despite section 133(7), the amount of the prescribed penalty for the camera recorded offence is—
  - (a) 5 times the amount specified in Schedule 5 as the penalty amount for the offence, or
  - (b) if a lesser amount is specified in the Schedule for the offence when it is committed by a corporation—the specified amount.

**136 Lower penalty levels for certain parking offences dealt with by penalty notice**

- (1) Despite section 133(7), the amount payable under a penalty notice for a relevant parking offence is \$92 if the penalty notice is issued by—
  - (a) an authorised officer who is a police officer, or
  - (b) an authorised officer who is of a class specified in relation to the offence in Schedule 5, Column 2, excluding a Class 10 officer or a university parking officer, or
  - (c) a Class 10 officer appointed by a council listed in Schedule 6, Part 1, or
  - (d) a Class 10 officer exercising functions in the local government area of a council listed in Schedule 6, Part 1 in accordance with an arrangement referred to in section 133(6), or

(e) in relation only to a relevant parking offence that is also a designated university parking offence—a university parking officer for a university listed in Schedule 6, Part 2.

(2) The Minister must not recommend the making of a regulation amending Schedule 6 to include the name of a council or a university unless the Treasurer has advised the Minister the council or university concerned has notified the Treasurer in writing it has resolved to opt in to the lower penalty prescribed by this section.

(3) In this section—

**designated university parking offence** means an offence created by the *Road Rules 2014*, rule 168-1, 179-1 or 207.

**relevant parking offence** means an offence created by the following provisions—

- (a) the *Local Government Act 1993*, section 650(1), in relation to a notice or sign referred to in that Act, section 650(2)(a) or (b),
- (b) the *Local Government Act 1993*, section 650(4) or (5),
- (c) the *Local Government Act 1993*, section 650A(1), in relation to a notice or sign referred to in that Act, section 650A(2)(a) or (b),
- (d) the *Local Government Act 1993*, section 650A(4) or (5),
- (e) the *Road Rules 2014*, rule 168-1, 179-1, 205, 207, 210 or 211,
- (f) the *Road Rules 2014*, rule 184(1), other than in relation to a minibus zone in a clearway, transit lane or bus lane.

**university parking officer**, for a university, means a person—

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

### 137 Grace period for certain parking offences

- (1) A penalty notice must not be issued for an offence under the *Road Rules 2014*, rule 207, allegedly committed during the grace period for the offence if—
  - (a) the vehicle is parked in a location where parking is permitted if a fee is paid, and
  - (b) a fee has been paid for the hour immediately before the grace period commenced entitling the vehicle to be parked in the location, and
  - (c) evidence of the payment of the fee is displayed in or on the vehicle, and

(d) the offence did not occur in a shared zone within the meaning of the *Road Rules 2014*.

(2) This section does not prevent the issue of a penalty notice for an offence under the *Road Rules 2014*, rule 154, 154A, 156, 167, 176, 179, 183, 186 or 205A-1, if, during the grace period for a designated parking offence—

(a) a prescribed parking control sign applies to the same length of road or area as that in which the relevant vehicle is parked, and

(b) the relevant driver is prohibited by one or more of those rules from parking on the length of road, or in the area, during the grace period.

(3) In this section—

**designated parking offence** means an offence under the *Road Rules 2014*, rule 207.

**grace period** for an offence under the *Road Rules 2014*, rule 207, means the 10 minutes following the expiry of the time a driver may allow the driver's vehicle to remain parked without committing the offence.

**prescribed parking control sign** means the following—

(a) a bicycle lane sign as referred to in the *Road Rules 2014*, rule 153,

(b) a bus lane sign as referred to in the *Road Rules 2014*, rule 154,

(b1) a bus only lane sign as referred to in the *Road Rules 2014*, rule 154A,

(c) a transit lane sign as referred to in the *Road Rules 2014*, rule 156,

(d) a no stopping sign as referred to in the *Road Rules 2014*, rule 167,

(e) a clearway sign as referred to in the *Road Rules 2014*, rule 176,

(f) a loading zone sign as referred to in the *Road Rules 2014*, rule 179,

(g) a bus zone sign as referred to in the *Road Rules 2014*, rule 183,

(h) a mail zone sign as referred to in the *Road Rules 2014*, rule 186,

(i) a special event parking area sign as referred to in the *Road Rules 2014*, rule 205A-1.

### **138 Offence—unlawful destruction of penalty notices**

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



Maximum penalty—20 penalty units.

## Part 10 Appeals

### Division 1 Preliminary

#### 139 Definition

In this Part—

**examiner's authority** and **proprietor's authority** have the same meanings as in the [Road Transport \(Vehicle Registration\) Regulation 2017](#).

### Division 2 Appealable decisions

#### 140 Driver licensing decisions

The following classes of decisions of Transport for NSW made under the [Road Transport \(Driver Licensing\) Regulation 2017](#) are prescribed for the purposes of the Act, section 266(1), definition of **appealable decision**, paragraph (l)—

- (a) a decision not to take into account, under the Regulation, clause 52(3), some or all of the period that a person has held a licence to drive a motor vehicle in another jurisdiction or another country,
- (b) a decision to vary a person's driver licence under the Regulation, clause 57, 65 or 66,
- (c) a decision to suspend or cancel a person's driver licence under the Regulation, clause 24, 30, 65 or 66,
- (d) a decision, based on an opinion formed by Transport for NSW under the Regulation, clause 96(4)(g), (h), (i) or (o), a person has ceased to be exempt from the requirements of the driver licensing law,
- (e) a decision to revoke an approval, within the meaning of the Regulation, Part 11 (Interlock driver licences and devices), of a person.

#### 141 Vehicle registration decisions

(1) The following classes of decisions of Transport for NSW made under the [Road Transport \(Vehicle Registration\) Regulation 2017](#) are prescribed for the purposes of the Act, section 266(1), definition of **appealable decision**, paragraph (l)—

- (a) a decision, notified to a person under the Regulation, clause 74 to—
  - (i) refuse to issue an examiner's authority or a proprietor's authority to a person, or
  - (ii) to cancel an examiner's authority or a proprietor's authority, or

- (iii) to suspend an examiner's authority or a proprietor's authority, or
  - (b) a decision to suspend the operation of the Regulation, Schedule 1, clause 9 or 11 in relation to a registrable vehicle,
  - (c) the following decisions under the Regulation, Part 6—
    - (i) a decision to cancel a compliance certificate,
    - (ii) a decision to refuse an application for a certifier's licence or for the renewal or variation of a certifier's licence, excluding a decision made on the ground that Transport for NSW is of the opinion that the person is not a fit and proper person to hold the licence,
    - (iii) a decision to cancel or suspend a certifier's licence or vary a certifier's licence or the term of a certifier's licence, excluding a decision to impose or vary a condition on all certifier's licences or a decision under the Regulation, clause 92 to immediately suspend a certifier's licence.
- (2) A decision referred to in subsection (1)(a)(iii) is not prescribed if Transport for NSW is not required to comply with the [Road Transport \(Vehicle Registration\) Regulation 2017](#), clause 72(3), in relation to the decision.

**Note—**

The [Road Transport \(Vehicle Registration\) Regulation 2017](#), clause 72(4) does not require compliance with clause 72(3) of the Regulation if Transport for NSW has reason to suspect the holder of an authority intentionally or recklessly contravened certain rules and is likely to commit further contraventions of those rules.

#### **142 Mobility parking scheme decisions**

A decision of Transport for NSW to revoke a person's mobility parking scheme authority of a person is prescribed for the purposes of the Act, section 266(1), definition of **appealable decision**, paragraph (l).

#### **143 Exclusion from definition of "appealable decision"**

For the purposes of the Act, section 266(3)(b), the following classes of decisions are excluded from the definition of **appealable decision** in the section—

- (a) a decision of Transport for NSW to suspend a person's driver licence under the Act, section 43A(7),
- (b) a decision of Transport for NSW to cancel the registration of a registrable vehicle on the ground that is required to do so by the Act, section 84 or 104C,
- (c) a decision of Transport for NSW made on the basis of the ground referred to in the [Road Transport \(Driver Licensing\) Regulation 2017](#), clause 56(2)(d) or (e),
- (d) a decision of Transport for NSW to cancel a person's interlock driver licence under the

*Road Transport (Driver Licensing) Regulation 2017,*

- (e) a decision of Transport for NSW to require a person to return a number-plate to Transport for NSW under the *Road Transport (Vehicle Registration) Regulation 2017*, clause 32,
- (f) a decision of Transport for NSW to cancel the registration of a vehicle under the *Road Transport (Vehicle Registration) Regulation 2017*, clause 45(1A).

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

#### **144 Preliminary**

- (1) This Division applies to an affected driver who is eligible to appeal to the Local Court under the Act, Part 7.8, against a relevant decision.
- (2) In this Division—

***affected driver*** means the following—

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

***licensing decision*** means a decision of Transport for NSW made under the driver licensing law.

#### **145 Notification of appeal rights in relation to certain driver licensing decisions**

Transport for NSW must notify an affected driver of the driver's right to appeal a licensing decision at the time Transport for NSW notifies the driver of the decision.

#### **146 Application for reasons for decision**

- (1) An affected driver may apply to Transport for NSW for written reasons for the licensing decision.
- (2) Within 14 days after receiving the application, Transport for NSW 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 Transport for NSW of the person who made the decision.
- (3) An application may be made before or during the period in which an affected driver may lodge a notice of appeal under the Act, section 267.

- (4) An affected driver cannot make an application if Transport for NSW has already provided the person with the details referred to in subsection (2).

## **Division 4 Stays and adjournments**

### **147 Certain decisions stayed pending appeal**

- (1) In this section, a **relevant decision** means—
- (a) a decision of Transport for NSW to suspend, vary or cancel a driver licence under the Act on any ground other than medical unfitness or incompetence to drive a motor vehicle,
  - (b) a decision of Transport for NSW that an exemption under the Act from a requirement to hold a driver licence no longer applies to a person,
  - (c) a decision of Transport for NSW of the kind referred to in section 141(1)(c),
  - (d) a decision of Transport for NSW to suspend or cancel an examiner’s authority or proprietor’s authority,
  - (e) a decision of Transport for NSW to suspend the registration of a motor vehicle under the [Road Transport \(Vehicle Registration\) Regulation 2017](#), clause 45(2), (3) or (4).
- (2) However, a decision referred to in subsection (1)(a) or (b) is not a relevant decision if it is a decision of the kind referred to in section 148.
- (3) If a person appeals to the Local Court against a relevant decision, the decision—
- (a) has effect—
    - (i) only if the Local Court hearing the appeal confirms the decision, or the appeal is withdrawn, and
    - (ii) subject to a variation of a decision by the Local Court, and
  - (b) takes effect on and from—
    - (i) the date on which the Local Court confirms the decision, or
    - (ii) a later date the Local Court may order, or
    - (iii) if the appeal is withdrawn—the date on which it is withdrawn.

### **148 Certain decisions stayed only in exceptional circumstances**

- (1) The Local Court may, in an appeal against a decision of a police officer to give a person an immediate licence suspension notice, make an order staying the decision.

- (2) The Local Court may, in an appeal against the following decisions of Transport for NSW, make an order staying the decision—
- (a) a decision to suspend the registration of a heavy vehicle under the *Road Transport (Vehicle Registration) Regulation 2017*, clause 46, or
  - (b) a decision to vary, suspend or cancel the driver licence of a driver of a heavy vehicle under the *Road Transport (Driver Licensing) Regulation 2017*, clause 66, or
  - (c) a decision of Transport for NSW, based on an opinion formed by Transport for NSW under the *Road Transport (Driver Licensing) Regulation 2017*, clause 96(4)(i), a driver of a heavy vehicle has ceased to be exempt from the requirements of the driver licensing law.
- (3) The order to stay the decision may only be made—
- (a) for an appeal under subsection (1)—in exceptional circumstances, or
  - (b) for an appeal under subsection (2)—in exceptional circumstances and after the Court considers the circumstances of aggravation, if any.
- (4) In determining if there are **exceptional circumstances**, the Local Court is to take into account each of the following—
- (a) the strength of the prosecution evidence,
  - (b) the affected person’s need for a licence,
  - (c) in relation to an appeal against a decision of a police officer to give the person an immediate licence suspension notice—the potential danger to the community if an order is made,
  - (d) in relation to an appeal against a decision of Transport for NSW to suspend the registration of a heavy vehicle—the hardship likely to be experienced by the registered operator of the vehicle,
  - (e) any other matter the Local Court considers to be relevant.
- (5) In determining if there are **circumstances of aggravation**, the Local Court is to take account of whether the relevant heavy vehicle—
- (a) caused damage to road infrastructure, or
  - (b) was involved in an accident, or
  - (c) caused a danger or obstruction to traffic, or
  - (d) caused an adverse effect on public amenity.

### **149 Adjournment of certain proceedings**

- (1) The Local Court may adjourn appeal proceedings concerning a decision of Transport for NSW about a licence if it appears to the Court that—
  - (a) the licence is affected by another decision of Transport for NSW as well as the one under appeal in the proceedings, and
  - (b) the appellant has commenced or intends to commence appeal proceedings under the Act in relation to the other decision.
- (2) The Court may adjourn an appeal concerning a decision of a police officer to issue a suspension notice under the Act, section 224 if it appears to the Court that—
  - (a) the licence of the appellant is affected by a decision of Transport for NSW as well, and
  - (b) the appellant has commenced or intends to commence appeal proceedings under the Act in relation to Transport for NSW's decision.
- (3) An adjournment may be ordered—
  - (a) pending hearing of the other appeal, or
  - (b) so both appeals may be heard together.

## **Division 5 Determination of certain appeals**

### **150 Appeals against suspension of registration**

- (1) The Local Court may, in determining an appeal against the suspension of registration of a motor vehicle under the Act, section 243, take into account whether or not the registered operator of the motor vehicle—
  - (a) knew, or could reasonably be expected to have known, the motor vehicle had been used or was likely to be used in connection with a sanctionable offence, or
  - (b) had consented to the use of the vehicle, or had taken all reasonable steps to prevent a person using the vehicle without consent.

- (2) In this section—

***sanctionable offence*** has the same meaning as in the Act, Part 7.6.

### **151 Document that may be used in examiner's and proprietor's authorities appeals**

- (1) This section applies to a report on a decision of a class referred to in section 141(1)(a)—
  - (a) provided by a committee of review to Transport for NSW under the *Road Transport*

*(Vehicle Registration) Regulation 2017*, clause 73, and

(b) certified by Transport for NSW as having been provided by the committee.

(2) A report is to be admitted as evidence of the contents of the report in proceedings before the Local Court for an appeal against the decision the subject of the report.

### **152 Determination of driver licence suspension appeals involving death or grievous bodily harm**

(1) The Local Court may allow an appeal against a decision to suspend a person's driver licence under the *Road Transport (Driver Licensing) Regulation 2017* on the grounds referred to in the Regulation, clause 65(2), only if the Court is satisfied—

(a) there is nothing in the person's medical condition to suggest the person is, or will again become, incapable of controlling a motor vehicle, and

(b) the incident leading 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 the time, being a condition to which the person is no longer subject.

(2) If a person alleges the incident was caused by the person's medical condition at the time, the fact the person has been acquitted of an offence arising out of the incident is irrelevant to the Local Court's consideration of the matters referred to in subsection (1)(b).

## **Part 11 Miscellaneous**

### **Division 1 Special service requirements**

#### **153 Application of Division**

(1) For the purposes of the Act, sections 276(3) and 277(2), the provisions of this Division set out—

(a) the only manner in which a notice may be given or served—

(i) under the driver licensing law, or

(ii) on the registered operator of a registrable vehicle under the vehicle registration law, and

(b) the date on which service of a document under the *Road Transport (Driver Licensing) Regulation 2017* or the *Road Transport (Vehicle Registration) Regulation 2017* is taken to have been effected, and

- (c) additional means of lodging a notice or other document for the purposes of those Regulations with Transport for NSW, and
- (d) the manner in which a notice may be given or served on an individual or a organisation under this Regulation, Part 7.

(2) In this Division—

**vehicle registration law** means—

- (a) the Act, Chapter 4, and
- (b) the *Road Transport (Vehicle Registration) Regulation 2017*.

#### **154 Service of notices on persons and delivery of things to TfNSW under driver licensing law**

- (1) Transport for NSW may give or serve a notice under the driver licensing law on a person by sending the notice—
  - (a) by post or by some other means to the person's last known home address, or
  - (b) to the address for service of notices recorded in the NSW driver licence register—
    - (i) if the address for service is an electronic address—by electronic communication to the electronic address, or
    - (ii) otherwise—by post or by some other means.
- (2) However, a notice given for the purposes of the *Road Transport (Driver Licensing) Regulation 2017*, clause 69, may only be given personally.
- (3) If a person's home address or address for service of notices is in another jurisdiction, Transport for NSW may request the driver licensing authority of another jurisdiction to act on its behalf in—
  - (a) giving a notice to or serving a notice on the person, or
  - (b) performing another act Transport for NSW could lawfully perform in this jurisdiction.
- (4) If Transport for NSW receives a request under a provision of the corresponding driver law of another jurisdiction corresponding with subsection (3), it may act on behalf of the driver licensing authority of the jurisdiction accordingly.

#### **155 Service of notices on registered operators and delivery of things to TfNSW under vehicle registration law**

Transport for NSW may give or serve a notice under the vehicle registration law on the registered operator of a registrable vehicle by sending the notice—



- (a) by post or by some other means to—
  - (i) if the registered operator is an individual—the registered operator’s home address, or
  - (ii) if the registered operator is a corporation—in the manner referred to in the Act, section 276(2), or
- (b) to the address for service of notices recorded in the NSW registrable vehicles register in relation to the vehicle—
  - (i) if the address for service is an electronic address—by electronic communication to the electronic address, or
  - (ii) otherwise—by post or by some other means.

#### **156 Date of effecting service**

- (1) The date on which a person is taken to have been given or served with a notice under the *Road Transport (Driver Licensing) Regulation 2017* or the *Road Transport (Vehicle Registration) Regulation 2017* or a notice under the Act, section 54(2), 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 on which it is delivered, or
  - (c) if the notice is sent by electronic communication to an electronic address—the date the notice is sent.
- (2) However, a notice sent by electronic communication is not taken to be given or served if Transport for NSW receives an automated reply, by electronic communication, indicating the delivery of the notice to the electronic address has failed.
- (3) If subsection (2) applies, the notice must be served—
  - (a) by post, or
  - (b) for service of a notice under the *Road Transport (Driver Licensing) Regulation 2017* or a notice under the Act, section 54(2)—by some other means, or
  - (c) for service of a notice under the *Road Transport (Vehicle Registration) Regulation 2017*—by some other means in the manner referred to in section 159(a).

#### **157 Forwarding, surrendering or delivering notification, document or thing to TfNSW**

If it is provided in the *Road Transport (Driver Licensing) Regulation 2017* or the *Road Transport (Vehicle Registration) Regulation 2017* a notification, document or thing must

be forwarded, surrendered or delivered to Transport for NSW, it is sufficient compliance with the provision in the Regulation if the notification, document or thing is forwarded or surrendered to or delivered at a registry within the time prescribed by the Regulation.

### **158 Service of documents under Part 7—mobility parking scheme authorities**

- (1) For the purposes of the Act, section 276(3)(a), a notice required to be given to or served on an individual or a organisation under Part 7 may be given or served—
  - (a) by electronic communication to an electronic address specified by the person or corporation for the service of documents of the kind, and
  - (b) if the organisation is an unincorporated association—by sending the notice by post or some other means to the address for service of the association—
    - (i) specified in its application form for a mobility parking scheme authority, or
    - (ii) otherwise notified to Transport for NSW.
- (2) However, a notice sent by electronic communication is not taken to be given or served if Transport for NSW receives an automated reply, by electronic communication, indicating the delivery of the notice to the electronic address has failed.
- (3) If subsection (2) applies, the notice must be given or served—
  - (a) if the notice is for an individual—in the manner referred to in the Act, section 276(1),
  - (b) if the notice is for a corporation—in the manner referred to in the Act, section 276(2),
  - (c) if the notice is for an unincorporated association—in the manner referred to in subsection (1)(b).
- (4) This section does not affect the operation of another provision of a law or of the rules of a court authorising a document to be given to or served on a person by another method.

## **Division 2 Operation of inconsistent legislation**

### **159 Royal Botanic Gardens and Domain Trust Act 1980**

- (1) For the purposes of the Act, section 14(5), a provision of the *Royal Botanic Gardens and Domain Trust Act 1980* relating to parking on Trust lands prevails over an inconsistent provision of the road transport legislation concerning parking.
- (2) In this section—

**provision of the Royal Botanic Gardens and Domain Trust Act 1980** includes a provision of a regulation made under that Act.

**Trust lands** has the same meaning as in the [Royal Botanic Gardens and Domain Trust Act 1980](#).

#### **160 Local Government Act 1993**

(1) For the purposes of the Act, section 14(5), a provision of the [Local Government Act 1993](#) relating to the use of skating equipment on public land prevails over an inconsistent provision of the road transport legislation concerning the use of skating equipment.

(2) In this section—

**provision of the Local Government Act 1993** includes a provision of a regulation made under that Act.

**public land** has the same meaning as in the [Local Government Act 1993](#).

### **Division 3 Offences and matters relating to offences**

#### **161 Offence—failure to comply with order, notice, direction, requirement or request**

(1) A person must not fail, without reasonable excuse, to comply with an order, notice, direction, requirement or request given or made to the person under this Regulation or the [Road Rules 2014](#).

Maximum penalty—20 penalty units.

(2) A person is not liable to be punished for an offence under subsection (1) if the person is liable to be punished for an offence in relation to the same failure to comply under another provision of this Regulation or the [Road Rules 2014](#).

**Example—**

The offence in section 98(2) is an example of an offence to which subsection (2) might apply.

#### **162 Offence—false or misleading information**

A person must not, in purported compliance with a provision of this Regulation or the [Road Rules 2014](#), provide information the person knows to be false or misleading in a material particular.

Maximum penalty—20 penalty units.

#### **163 Mass requirements on certain roads and bridges**

(1) The council of a local government area or Transport for NSW may do the following things by a notice (a **limit notice**) conspicuously displayed on or adjacent to the road, bridge or road-ferry concerned—

- (a) prohibit vehicles with a laden mass exceeding a specified maximum mass from passing along or over a road, bridge or causeway,
  - (b) prohibit vehicles with a laden mass exceeding a specified maximum mass from using a road-ferry maintained in connection with a road.
- (2) A limit notice must—
- (a) display the words “BRIDGE LOAD LIMIT” or “ROAD LOAD LIMIT”, or
  - (b) be in, or similar to, a sign approved by Transport for NSW for the purposes of this section.
- (3) A limit notice displaying the words “BRIDGE LOAD LIMIT” or “ROAD LOAD LIMIT” prohibits the passage, from a direction facing the notice, of a vehicle or combination if—
- (a) the total mass of the vehicle or combination exceeds the gross mass indicated by the notice, or
  - (b) the mass carried by an axle or axle group of the vehicle or combination exceeds the mass indicated by the notice for the kind of axle or axle group.
- (4) A limit notice in, or similar to, a sign approved by Transport for NSW for the purposes of this section prohibits the passage, from a direction facing the notice, of a vehicle or combination exceeding the total mass indicated by the notice.
- (5) The powers conferred by this section may only be exercised in relation to classified roads by Transport for NSW.
- (6) A person must not fail to comply with the terms of a limit notice.
- Maximum penalty—30 penalty units.
- (7) In an emergency, for example a fire, explosion or natural disaster including a drought, Transport for NSW may exempt a vehicle or combination, or its driver or owner, from compliance with a limit notice if—
- (a) the vehicle or combination is being used, or is intended to be used, to protect life or property, to restore communication or the supply of energy, water or services including sewage disposal or to provide drought relief, and
  - (b) the exemption does not present an unreasonable danger to other road users.
- (8) An exemption may be subject to conditions imposed by Transport for NSW.
- (9) Transport for NSW must make a written record of the exemption, and any conditions of the exemption, but may communicate the exemption orally to the owner or driver.

(10) In this section—

**bridge** and **classified road** have the same meanings as in the [Roads Act 1993](#).

**laden mass** means the mass of a vehicle and its load borne on the surface on which it is standing or running.

**total mass** and **vehicle** have the same meanings as in this Regulation, Part 4.

#### **164 Prescribed speeding offence**

For the purposes of the Act, section 4(1), definition of **prescribed speeding offence** and the Act, section 204(4)(a), a speeding offence within the meaning of the [Road Rules 2014](#), rule 10-2, is prescribed.

#### **165 Limitation period for certain offences**

For the purposes of the Act, section 202(2), the following provisions of the [Road Transport \(Vehicle Registration\) Regulation 2017](#) are prescribed as provisions for which proceedings may be commenced not later than 2 years after the date alleged to be the date for an offence on which the offence was committed—

- (a) clause 68(8)–(10),
- (b) clause 69(4) and (6),
- (c) clause 85(5),
- (d) clause 93.

#### **166 Certain provisions not to apply to light rail vehicles**

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

### **Division 4 Administrative matters**

#### **167 Certificate as to costs incurred in removal of dangers and obstructions to traffic—the Act, s 142**

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

#### **168 Removal of unattended vehicles**

(1) The following are prescribed for the purposes of the Act, section 143(12), definition of **prescribed place**—

- (a) a bicycle lane,
  - (b) a bus lane,
  - (c) a freeway,
  - (d) a T-Way lane,
  - (e) a length of road to which a clearway sign applies as referred to in the *Road Rules 2014*, rule 176,
  - (f) a transit lane,
  - (g) a bus zone.
- (2) For the purposes of the Act, section 143(12), definition of **prescribed tow-away charge**, the prescribed tow-away charge is the charge prescribed in Schedule 1.
- (3) In this section—
- bicycle lane, bus lane, bus zone, freeway, T-Way lane** and **transit lane** have the same meaning as in the *Road Rules 2014*.

#### **169 Number-plate confiscation notices**

- (1) The following information is prescribed for the purposes of the Act, section 237(1), definition of **number-plate confiscation notice**—
- (a) a brief description of the effect of the notice, including a statement of the action that may be taken against the registered operator and penalties that may apply if it is not complied with,
  - (b) if a number-plate confiscation notice is issued in relation to a sanctionable offence—the provisions of the Act, regulations or rules imposing the sanctionable offence,
  - (c) the registration number of the motor vehicle to which it relates,
  - (d) the vehicle's VIN or, if there is no VIN, the chassis number and engine number of the vehicle,
  - (e) the date of issue of the notice and the date on which the number-plate confiscation period imposed by the notice will end,
  - (f) the name of the police area command or police district of the police officer who issued the notice,
  - (g) the address of the registry or other place from which the number-plates can be collected on or after the end of the number-plate confiscation period,

(h) information about the right to apply to the Local Court to seek release of the number-plates.

(2) In this section—

**VIN** has the same meaning as in the *Road Transport (Vehicle Registration) Regulation 2017*.

#### **170 Fees for information from records of TfNSW**

(1) Transport for NSW may issue information from its records, including a certificate under the Act, section 257, on the payment of the fee prescribed by Schedule 1.

(2) Transport for NSW may waive the fee if it is satisfied the payment of the fee would result in undue hardship to the person seeking access to information.

#### **171 Delegation of TfNSW's licensing and registration functions**

(1) For the purposes of the Act, section 273(1)(b), the following persons or classes of persons are prescribed in relation to the delegation of the licensing and registration functions of Transport for NSW—

- (a) a statutory corporation, or an officer or employee of a statutory corporation,
- (b) the holder of a statutory office,
- (c) a member of staff of the Public Service of New South Wales,
- (d) a local council, or an officer or employee of a local council,
- (e) any other person who, in the opinion of Transport for NSW, has appropriate qualifications for the exercise of the function to be delegated.

(2) The **licensing and registration functions** of Transport for NSW are—

- (a) the functions of Transport for NSW under the Act, Chapter 3 and the *Road Transport (Driver Licensing) Regulation 2017*, and
- (b) the functions of Transport for NSW under the Act, Chapter 4 and the *Road Transport (Vehicle Registration) Regulation 2017*.

#### **172 Savings and repeal of Road Transport (General) Regulation 2013**

(1) The *Road Transport (General) Regulation 2013* is repealed.

(2) An act, matter or thing, that immediately before the repeal of the *Road Transport (General) Regulation 2013*, had effect under that Regulation continues to have effect under this Regulation.

(3) Without limiting subsection (2), a person who, immediately before the repeal of the

*Road Transport (General) Regulation 2013*, was an authorised officer of a class specified in Column 1 of the following table under that Regulation is taken, on the repeal of that Regulation, to be an authorised officer of a class specified in Column 2 of the table under this Regulation.

<b>Column 1</b>	<b>Column 2</b>
Class 1	Class 1
Class 2	Class 2
Class 3	Class 3
Class 4	Class 2
Class 6	Class 5
Class 7	Class 6
Class 8	Class 7
Class 9	Class 8
Class 10	Class 9
Class 12	Class 10
Class 14	Class 11
Class 15	Class 12
Class 16	Class 13
Class 17	Class 4

### **173 Repeal of Schedule 7**

Schedule 7 is repealed on the day following the day on which this Regulation commences.

## **Schedule 1 Fees and charges**

sections 44, 62(2)(b), 168(2) and 170(1)

### **Part 1 Fees**

<b>Fee category</b>	<b>Provision of regulation prescribing fee</b>	<b>Amount payable</b>
1 Daily storage fee for an impounded motor vehicle under the Act, section 250	section 44	\$24
2 Application for a permit under section 62	section 62(2)(b)	\$75



3	Issue of information from the records of Transport for NSW, including certificates and other documents issued under the Act, section 257	section 170(1)	\$25
---	------------------------------------------------------------------------------------------------------------------------------------------	----------------	------

## Part 2 Charges

Charge category	Provision of regulation prescribing charge	Amount payable	
1	Prescribed tow-away charge for the removal of an unattended vehicle under the Act, section 143	section 168(2)	\$229

## Schedule 2 Declared organisations

Schedule 8, Dictionary

Column 1 Declared organisation	Column 2 Area of operations	Column 3 Responsible Minister
Centennial Park and Moore Park Trust	Centennial Park—being the part of Woollahra, Waverley, Randwick and Sydney bounded by, but not including, Oxford Street, York Road, Darley Road, Alison Road, Dacey Avenue, South Dowling Street, Flinders Street and Moore Park Road.  Moore Park—being the part of Randwick and Sydney south of Dacey Avenue and bounded by, but not including, Dacey Avenue, Anzac Parade and South Dowling Street.	
Central Coast Local Health District	Gosford Hospital Campus—being Lot 1 DP1076023; Lot 101, DP1034362; Lot 1, DP246244, and Lot 100, DP1028293.  Albury Wodonga campus, Thurgoona— being Lot 1, DP 11839783; Lot 620, DP 717911 and Lots 31 and 33, DP 1172127.	
Charles Sturt University	Bathurst campus—being the part of Mitchell bounded by, but not including, Panorama Avenue, Browning Street, Research Station Drive and Bathurst Primary Industries Centre.  Dubbo campus—being Lot 902, DP 1033617.  Orange campus—being Lots 300 and 301, DP 1047282; Lots 17 and 21, DP 6694; Lots 2-5, DP 7214; Lot 4, DP 524856; Lot 6, DP 524858; Lot 28, DP 1100800; Lot 1, DP 319566 and Lot 1, DP 548053.	

	<p>Port Macquarie campus—being Lots 2 and 3, DP 1178043 and Lots 7 and 8, DP 1094444.</p> <p>Wagga Wagga campus—being the part of the Wagga Wagga City Council area designated by the Geographical Names Board of New South Wales as a suburb called “Charles Sturt University”, excluding public roads.</p> <p>Wagga Wagga south campus—being the part of Turvey Park bounded by, but not including, Fernleigh Road, Hely Avenue, Charleville Road, College Avenue, Urana Street and Idsal Road.</p>
Hunter and Central Coast Development Corporation	<p>Station Street Zone—being Station Street and the part of Lot 5, DP 1265104 bounded by, but not including, the northern property boundary of Lot 5, DP 1238761, Hannell Street, Honeysuckle Drive and Cottage Creek, excluding public roads.</p> <p>Steel Street Zone—being the part of Lot 1, DP 852552 bounded by the northern, eastern and western boundaries and the marked parking spaces along the southern boundary and the part of Lot 1, DP 1226145 and Lot 2, DP 1037267 bounded by, but not including, the light rail corridor, Hunter Street and Steel Street, excluding public roads.</p> <p>Wickham Zone—being the part of Lot 5, DP 1265104 and Lot 3, DP 1238761 bounded by, but not including, Hannell Street, Honeysuckle Drive, Cottage Creek and the land along the waterfront containing a boardwalk and zoned as public recreational space, excluding public roads.</p> <p>Wright Lane Zone—being Lots 2, 3, 5 and 6, DP 1247375.</p> <p>Rankin Park campus—being Lots 1, 2 and 4, DP 839929 and Lots 131 and 132, DP 1053492.</p> <p>James Fletcher Hospital—being Lot 1, DP 10969317 and Lot 10, DP 1087691.</p> <p>Belmont Hospital—being Lots 12 and 13, DP 848759.</p>
Hunter New England Local Health District	<p>Wallsend campus—being Lot 1, DP 330699; Lots 11, 12 and 16, DP 13487 and Lots A, C, D, E and F, DP 312480.</p> <p>Maitland Hospital—being Lots 1 and 3, DP 375615; Lots 1-4, DP 154695; Lots 2 and 6, DP 37290; Lots 380-382, DP 538296; Lot 1, DP 198235; Lot 1, DP 198328; Lots 17 and 18, DP 746311 and part Lot 138, DP 755237 comprising the land in Conveyance Book 4537 No 172.</p>

	Waratah campus—being Lot 3, DP 852177.
	Tamworth Base Hospital—being Lots 1, 99 and 335, DP 753848.
Macquarie University	Marsfield campus—being the part of Marsfield bounded by, but not including, Epping Road, Herring Road, Talavera Road, Culloden Road, Balaclava Road, Vimiera Road, Waterloo Road and Marsfield Park.
Mid North Coast Local Health District	Coffs Harbour Health Campus—being Lot 202, DP 1127790 and Lot 14, DP 261222. Port Macquarie Base Hospital—being Lot 23, DP 109567.
Northern NSW Local Health District	Lismore Base Hospital—being the part of Lismore bounded by, but not including, Fermoy Avenue, Weaver Street, Orion Street, Hunter Street, Uralba Street and Little Uralba Street. Lismore Base Hospital Car Park—being Lot 2, DP 1215351. Lismore Riverlands Campus—being Lot 1, DP 1032149.
Northern Sydney Local Health District	Royal North Shore Hospital—being Lots 1 and 2, DP 1158469 and Lot 102, DP 1075748.
Venues NSW	Trust land within the meaning of the former <a href="#">Parramatta Stadium Trust Act 1988</a> as in force immediately before its repeal, except for lots 951, 958, 959, 960 and 965 in the plan filed in the office of the Registrar-General as Deposited Plan 42643.
Royal Botanic Gardens and Domain Trust	The Royal Botanic Gardens and The Domain—being those parts of the Trust lands, within the meaning of the <a href="#">Royal Botanic Gardens and Domain Trust Act 1980</a> , described in that Act, Schedule 2, Parts 1 and 2, and including Art Gallery Road, Mrs Macquaries Road and Hospital Road.
Place Management NSW	The Rocks area of Sydney, comprising the following streets— (a) Cumberland Street, between Grosvenor Street and George Street, (b) Gloucester Street, between the Cahill Expressway and Cumberland Street, (c) Harrington Street, between Grosvenor Street and Argyle Street,

- (d) Essex Street, between George Street and Cumberland Street,
- (e) Argyle Street, between George Street and Cumberland Street,
- (f) George Street, between Globe Street and Cumberland Street,
- (g) Hickson Road, between Campbells Cove and Hickson Road Reserve,
- (h) Globe Street, between George Street and Harrington Street,
- (i) Atherden Street, between George Street and Gloucester Walk,
- (j) Playfair Street, between Argyle Street and Atherden Street,
- (k) Kendall Lane, between Argyle Street and Mill Lane,
- (l) Mill Lane, between George Street and Playfair Street,
- (m) Gloucester Walk, between George Street and Argyle Street,
- (n) Cambridge Street, between Argyle Street and the intersection of Harrington Street and Gloucester Street,
- (o) Nurses Walk, between Globe Street and Suez Canal,
- (p) Suez Canal, between Harrington Street and George Street.

The Pyrmont Area of Sydney, comprising the following streets—

- (a) Murray Street, between Union Street and Pirrama Road,
- (b) Pirrama Road, between Murray Street and Harris Street,

- (c) Darling Island, to its connection with Jones Bay Road,
- (d) Point Street, between Bowman Street and John Street,
- (e) Bowman Street, between Cross Street and Point Street,
- (f) Cross Street, between Bowman Street and Scott Street,
- (g) Scott Street, between Harris Street and Cross Street,
- (h) Refinery Drive, from Bowman Street to the northernmost point of Waterfront Park.

The Darling Harbour Development Area, comprising the following areas—

- (a) the part of Sydney bounded by, but not including, King Street, Sussex Street, Harbour Street, Hay Street, Ultimo Road, Darling Drive, Pier Street, Harris Street, Allen Street and Murray Street,
- (b) Liverpool Street, between Harbour Street and Sussex Street.

Sydney Olympic Park Authority	Sydney Olympic Park within the meaning of the <i>Sydney Olympic Park Authority Act 2001</i> .
TAFE Commission	St George College, Kogarah—being Lot 1, DP 853677.  Armidale campus—being the part of Armidale comprising the roads indicated on the maps marked “University of New England–Parking Scheme Area of Operations” and dated 23 February 2001 that have been lodged with the Authority before that date by the University of New England and that are available for inspection at each vehicular entrance to the Armidale Campus of the University of New England.
University of New England	
University of Newcastle	Callaghan campus—being the part of Newcastle bounded by, but not including, University Drive, Highway Route 123, the main Northern Rail line and the Steelworks golf course.  Newcastle CBD precinct—being the part of Newcastle bounded by, but not including, Auckland Street, Gibson Street, Laman Street and Charles Street.

University of New  
South Wales

Central Coast campus—being the part of Ourimbah bounded by, but not including, Chittaway Road, Brush Road and the Northern Rail line.

Kensington campus—being the part of Kensington bounded by, but not including, Anzac Parade, High Street, Botany Street and Barker Street.

Paddington Campus—being the part of Paddington bounded by, but not including, Greens Road, Napier Street, Selwyn Street and Albion Avenue.

Randwick campus—being the part of Randwick bounded by, but not including, King Street, Darley Road, Govett Street and Govett Lane.

Western campus—being the part of Kensington bounded by, but not including, Day Avenue and Anzac Parade.

Camperdown campus—being the part of Camperdown bounded by, but not including, Parramatta Road, Missenden Road, Carillon Avenue and City Road.

Darlington campus—being the part of Chippendale bounded by, but not including, City Road, Golden Grove Road, Abercrombie Street, Lander Street, Shepherd Street and Cleveland Street.

Carillon campus—being the part of Newtown bounded by, but not including, Carillon Avenue, Missenden Road and Campbell Street.

Graduate School of Management campus—being the part of Macdonaldtown bounded by, but not including, Burren Street and Watkin Street.

University of Sydney

Nursing Accommodation site—being the part of Camperdown bounded by, but not including, Mallet Street, Church Street and Hampshire Lane.

Sydney College of the Arts campus—being the part of Rozelle bounded by, but not including, North Circuit and Central Avenue.

Cumberland College campus—being the part of Lidcombe bounded by, but not including, Earl Street and Lidcombe Hospital.

Camden Farms, being the following sites—

- (a) the part of Camden bounded by, but not including, Werombi Road and Grownlow Hill Loop Road,

- (b) the part of Camden bounded by, but not including, Werombi Road, Sickles Creek and Nepean River,
- (c) the part of Camden bounded by, but not including, Nepean River and Cobbitty Road (northern section),
- (d) the part of Camden bounded by, but not including, Nepean River and Cobbitty Road (southern section),
- (e) the part of Camden bounded by, but not including, Mayfarm Road and Mt Hunter Rivulet.

Orange campus—being the part of Orange bounded by, but not including, Leeds Road and Ophir Road.

City Campus—being the part of Ultimo bounded by, but not including, Jones Street, Thomas Street, Harris Street and Broadway.

Haymarket Campus—being the part of Ultimo bounded by, but not including, Ultimo Road, Hay Street, Quay Street and Merino Boulevard.

Blackfriars Campus—being the part of Chippendale bounded by, but not including, Buckland and Blackfriars Streets and Abercrombie Street.

Kuring-gai Campus—being the part of Lindfield bounded by, but not including, Eton Road, Winchester Avenue, Lyle Avenue, Lady Game Drive and Lane Cove National Park.

St Leonards Campus, Dunbar Building—being the part of St Leonards bounded by, but not including, the Pacific Highway, Westbourne Street, Royal North Shore Hospital and North Sydney College of TAFE.

Bankstown campus—being the part of Milperra bounded by, but not including, Bullecourt Avenue, Horsley Road, Mount Saint Joseph Milperra, M5 Motorway and Ashford Avenue.

Campbelltown campus—being the part of Campbelltown bounded by, but not including, M31 Hume Motorway, Narellan Road, TAFE NSW Campbelltown College, Goldsmith Avenue and Milky Way.

University of  
Technology Sydney

Western Sydney  
University

Hawkesbury east campus—being the part of Richmond bounded by, but not including, Blacktown Road, The Driftway, Londonderry Road, College Street, Bourke Street, and TAFE NSW Richmond College.

Hawkesbury west campus—being the part of Richmond bounded by, but not including, The Driftway, Londonderry Road, Southee Road and Castlereagh Road.

Parramatta north campus—being the part of Parramatta bounded by, but not including, Victoria Road, Pemberton Street, Pennant Street, Collett Parade, James Ruse Drive and Kissing Point Road.

Parramatta south campus—being the part of Parramatta bounded by, but not including, James Ruse Drive, Victoria Road, Clyde Carlingford Railway and Parramatta River.

Penrith Werrington north campus—being Lot 101, DP 1140594.

Penrith Werrington south campus—being Lot 100, DP 1194481 and Lot 3, DP 29796.

Penrith Kingswood campus—being Lot 2, DP 1130750.

University of Wollongong, Wollongong (Main Campus)—being the part of Lot 1, DP 1163615 bounded by the M1 Princes Motorway, Madoline Street up to the Botanic Gardens, the Botanic Gardens end of Northfields Avenue and the part of Lot 1 west of the Robsons Road, bordered by Ken Auburn Track and Dallas Street.

University of Wollongong Innovation Campus and Campus East Accommodation facilities, formerly known as Brandon Park, Fairy Meadow, bounded by Squires Way, Elliotts Road, Cowper Street, Montague Street and Para Creek.

University of  
Wollongong

International House Student Residence bounded by the Sydney to Wollongong Rail Line, Hindmarsh Avenue and Memorial Drive.

Shoalhaven Campus, George Evans Road (Drive), Mundamia, Lot 6, DP 1156684.

Bega Campus, bounded by Auckland Street, High Street, Little Church Street and Upper Street, Bega, Lot 1, DP 329413, 19 Little Church Street, Lot 2, DP 374951, 174 Auckland Street and Lot 24, DP 1091225, 176–178 Auckland Street.



Auburn Hospital—being the part of Auburn bounded by, but not including, Hargrave Road, Norval Street, Havington Road and Water Street.

Blacktown Hospital—being the part of Blacktown bounded by, but not including, Bungarribee Road, Blacktown Road, Panorama Parade and Marcel Crescent.

Western Sydney Local Health District Cumberland Hospital—being the part of Parramatta bounded by, but not including, Fleet Street, New Street, Parramatta Gaol and Toongabbie Creek.

Mt Druitt Hospital—being the part of Mt Druitt bounded by, but not including, Luxford Road, Railway Street, North Parade and Mount Street.

Westmead Hospital—being the part of Westmead bounded by, but not including, Darcy Road, Hawkesbury Road and Toongabbie Creek.

### **Schedule 3 Substances prescribed as drugs**

section 21

ALPRAZOLAM  
AMYLOBARBITONE  
AZATADINE  
BARBITURIC ACID DERIVATIVES not otherwise specified in this Schedule  
BENZODIAZEPINE DERIVATIVES not otherwise specified in this Schedule  
BROMAZEPAM  
BROMPHENIRAMINE  
BUCLIZINE  
BUPRENORPHINE  
BUTOBARBITONE  
CHLORAL HYDRATE  
CHLORDIAZEPOXIDE  
CHLORMETHIAZOLE  
CHLORPHENIRAMINE  
CHLORPHENTERMINE  
CLEMASTINE  
CLOBAZAM  
CLONAZEPAM  
CLORAZEPATE  
CODEINE  
CYCLIZINE  
CYCLOBARBITONE  
CYPROHEPTADINE  
DEXCHLORPHENIRAMINE  
DEXTROPROPOXYPHENE  
DIAZEPAM  
DIETHYLPROPION

DIHYDROCODEINE  
DIMENHYDRINATE  
DIMETHINDINE  
DIPHENHYDRAMINE  
DIPHENYLPRYALINE  
DOXYLAMINE  
EPHEDRINE, excluding pseudoephedrine  
ETHYLMORPHINE  
FENFLURAMINE  
FLUNITRAZEPAM  
FLURAZEPAM  
GLUTETHIMIDE  
HYDROXYZINE  
LORAZEPAM  
MAZINDOL  
MEBHYDROLIN  
MECLOZINE  
MEDAZEPAM  
MEPROBAMATE  
MEPYRAMINE  
METHDILAZINE  
METHYLPHENOBARBITONE  
MIDAZOLAM  
NALBUPHINE  
NITRAZEPAM  
OXAZEPAM  
PENTAZOCINE  
PENTOBARBITONE  
PHENIRAMINE  
PHENOBARBITONE  
PHENTERMINE  
PHENYLTOLOXAMINE  
PIZOTIFEN  
PRAZEPAM  
PROMETHAZINE  
PROPYLHEXEDRINE  
QUINALBARBITONE  
SECBUTOBARBITONE  
TEMAZEPAM  
THENYLDIAMINE  
TRIAZOLAM  
TRIMEPRAZINE  
TRIPROLIDINE

## **Schedule 4 Authorised officers**

section 132

***Class 1 officer*** means—

- (a) a person who is employed by Revenue NSW in the Department of Customer Service and who is authorised by the Commissioner of Fines Administration for the purposes of this definition, or
- (b) a person—
  - (i) whose services are made use of by Revenue NSW, whether by way of temporary hire arrangement, secondment or otherwise, and
  - (ii) who is authorised by the Commissioner of Fines Administration for the purposes of this definition, and
  - (iii) who is subject to the control and direction of the Commissioner of Fines Administration as an authorised officer.

**Class 2 officer** means a person—

- (a) employed in the Transport Service who is appointed as a class 2 enforcement officer, or
- (b) who is subject to the control and direction of Transport for NSW as a class 2 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 who is appointed by the Point to Point Transport Commissioner as an authorised officer for the purposes of the [Point to Point Transport \(Taxis and Hire Vehicles\) Act 2016](#).

**Class 5 officer** means an authorised officer within the meaning of the [Forestry Act 2012](#).

**Class 6 officer** means a person—

- (a) who is an enforcement officer within the meaning of the [Protection of the Environment Operations Act 1997](#), section 226, for an offence arising under that Act, section 145, and
- (b) who is—
  - (i) an officer or employee of the Department of Planning and Environment, or
  - (ii) subject to the control and direction of the Department of Planning and Environment.

**Class 7 officer** means—

- (a) a member of staff of Place Management NSW who is employed as an enforcement officer, or
- (b) a person who is subject to the control and direction of Place Management NSW as an enforcement officer.

**Class 8 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.

**Class 9 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.

**Class 10 officer** means a person—

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

**Class 11 officer** means a person who is appointed as an authorised officer under the Act, Part 7.1.

**Class 12 officer** means a person—

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

**Class 13 officer** means a person employed in the Transport Service who is appointed as a Traffic Commander or a Transport Commander.

**Class 14 officer** means a person appointed as an authorised officer under the [Heavy Vehicle National Law \(NSW\)](#), section 481.

## Schedule 5 Penalty notice offences

section 133

### [Local Government Act 1993](#)

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Section 650(1), in relation to a notice or sign referred to in section 650(2)(a) or (b)	Class 1, 5, 6, 7, 10	Level 2
Section 650(4) and (5)	Class 1, 5, 6, 7, 10	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, 5, 6, 7, 10	Level 7
Section 650A(1), in relation to a notice or sign referred to in section 650A(2)(a) or (b)	Class 1, 7, 10	Level 2
Section 650A(4) and (5)	Class 1, 7, 10	Level 2

Section 650A(1), in relation to a notice or sign referred to in section 650A(2)(c)—space for the use of persons with disabilities	Class 1, 7, 10	Level 7
-----------------------------------------------------------------------------------------------------------------------------------	----------------	---------

**Motor Accident Injuries Act 2017**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Authorised officer</b>	<b>Penalty</b>
Section 2.1(1)	Class 1, 2, 14	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(1)	Class 1, 2	Level 8

**Road Rules 2014**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Authorised officer</b>	<b>Penalty</b>
Rule 20, except where the applicable speed limit is specified by rule 24-2, 24-3 or 24-4—		
(a) if the vehicle is a class A motor vehicle and is otherwise than in a school zone—		
(i) driven at a speed of not more than 10 km/h above the speed limit applicable	Class 1	Level 2A
(ii) driven at a speed of more than 10 km/h but not more than 20 km/h above the speed limit applicable	Class 1	Level 4A
(iii) driven at a speed of more than 20 km/h but not more than 30 km/h above the speed limit applicable	Class 1	Level 6A
(iv) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable	Class 1	Level 9A
(v) driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 14A
(b) if the vehicle is a class B motor vehicle and is otherwise than in a school zone—		

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

(iv) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable	Class 1	Level 10A
(v) driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 15A
<p>(b) if the vehicle is a class B motor vehicle and is in a school zone—</p>		
(i) driven at a speed of not more than 10 km/h above the speed limit applicable	Class 1	Level 6A
(ii) driven at a speed of more than 10 km/h but not more than 20 km/h above the speed limit applicable	Class 1	Level 7A
(iii) driven at a speed of more than 20 km/h but not more than 30 km/h above the speed limit applicable	Class 1	Level 8A
(iv) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable	Class 1	Level 10A
(v) driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 15A
<p>(c) if the vehicle is a class C motor vehicle and is in a school zone—</p>		
(i) driven at a speed of not more than 10 km/h above the speed limit applicable	Class 1	Level 6A
(ii) driven at a speed of more than 10 km/h but not more than 20 km/h above the speed limit applicable	Class 1	Level 7A
(iii) driven at a speed of more than 20 km/h but not more than 30 km/h above the speed limit applicable	Class 1	Level 8A
(iv) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable	Class 1	Level 12A
(v) driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 17A
<p>Rule 20, where the applicable speed limit is specified by rule 24-2—</p>		
(a) if the vehicle is driven at a speed of not more than 10 km/h above the speed limit applicable	Class 1	Level 2A

(b) if the vehicle is driven at a speed of more than 10 km/h but not more than 20 km/h above the speed limit applicable	Class 1	Level 4A
(c) if the vehicle is driven at a speed of more than 20 km/h but not more than 30 km/h above the speed limit applicable	Class 1	Level 6A
(d) if the vehicle is driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable	Class 1	Level 9A
(e) if the vehicle is driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 14A
Rule 20, where the applicable speed limit is specified by rule 24-3—		
(a) if the vehicle is a class A motor vehicle—		
(i) driven at a speed of not more than 10 km/h above the speed limit applicable	Class 1	Level 2A
(ii) driven at a speed of more than 10 km/h but not more than 20 km/h above the speed limit applicable	Class 1	Level 4A
(iii) driven at a speed of more than 20 km/h but not more than 30 km/h above the speed limit applicable	Class 1	Level 6A
(iv) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable	Class 1	Level 9A
(v) driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 14A
(b) if the vehicle is a class B motor vehicle—		
(i) driven at a speed of not more than 10 km/h above the speed limit applicable	Class 1	Level 5A
(ii) driven at a speed of more than 10 km/h but not more than 20 km/h above the speed limit applicable	Class 1	Level 6A
(iii) driven at a speed of more than 20 km/h but not more than 30 km/h above the speed limit applicable	Class 1	Level 7A
(iv) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable	Class 1	Level 9A



(v) driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 14A
(c) if the vehicle is a class C motor vehicle—		
(i) driven at a speed of not more than 10 km/h above the speed limit applicable	Class 1	Level 5A
(ii) driven at a speed of more than 10 km/h but not more than 20 km/h above the speed limit applicable	Class 1	Level 6A
(iii) driven at a speed of more than 20 km/h but not more than 30 km/h above the speed limit applicable	Class 1	Level 7A
(iv) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable	Class 1	Level 11A
(v) driven at a speed of more than 45 km/h above the speed limit applicable	Class 1	Level 16A
Rule 20, where the applicable speed limit is specified by rule 24-4	Class 1	Level 2A
Rule 20, in relation to a bicycle and in circumstances other than where the applicable speed limit is specified by rule 24-2	Class 1	Level 2
Rules 27, 28(1) and (1A), 29, 31, 32(1), 33, 88, 89, 90, 91, 92, 98, 99 and 100—		
(a) in relation to a motor vehicle	Class 1	Level 4
(b) in relation to a bicycle	Class 1	Level 2
(c) in relation to a vehicle other than a motor vehicle or bicycle	Class 1	Level 1
Rules 28(2A), 32(2A), 35, 141(2), 245, 246, 247, 247A, 247B, 248, 249, 250, 251, 252, 253, 255, 257, 258, 259, 260, 261(1) and 262	Class 1	Level 2
Rules 37, 39, 40, 41, 42, 43 and 43A, otherwise than in school zone	Class 1	Level 4
Rules 37, 39, 40, 41, 42, 43 and 43A, in school zone	Class 1	Level 5
Rules 38, 62, 63, 64(a) and (c), 65(2)(a) and (b), 67(1), 68(1), 69(1), 70, 71, 101, 288, 289, 290, 297(2), 299, 300 and 300-1, otherwise than in school zone	Class 1	Level 5
Rules 38, 62, 63, 64(a) and (c), 65(2)(a) and (b), 67(1), 68(1), 69(1), 70, 71, 101, 288, 289, 290, 297(2), 299, 300 and 300-1, in school zone	Class 1	Level 6

Rules 46, 48, 51, 53, 112, 113, 117, 118, 141(1), 153, 162, 163, 164 and 164A	Class 1	Level 3
Rules 56, 59, 80 and 81, in relation to a vehicle other than a motor vehicle or a bicycle	Class 1	Level 1
Rule 56(1), in relation to a motor vehicle otherwise than at toll booth or in school zone	Class 1	Level 6
Rule 56(1), in relation to a motor vehicle in school zone	Class 1	Level 7
Rule 56(1), in relation to a motor vehicle or bicycle at toll booth	Class 1	Level 3
Rules 56(1) and 59, in relation to a bicycle otherwise than at toll booth	Class 1	Level 6
Rules 56(2), 80, 81 and 82, in relation to a motor vehicle otherwise than in school zone	Class 1	Level 6
Rules 56(2), 80, 81 and 82, in relation to a motor vehicle in school zone	Class 1	Level 7
Rules 56(2), 80 and 81, in relation to a bicycle	Class 1	Level 6
Rules 57, 60, 60A, 61, 64(b), 65(2)(c) and 297(1), (1A) and (3), otherwise than in school zone	Class 1	Level 6
Rules 57, 60, 60A, 61, 64(b), 65(2)(c) and 297(1), (1A) and (3), in school zone	Class 1	Level 7
Rule 59, in relation to a motor vehicle otherwise than at toll booth or in school zone	Class 1	Level 6
Rule 59, in relation to a motor vehicle in school zone	Class 1	Level 7
Rule 59, in relation to a motor vehicle or bicycle at toll booth	Class 1	Level 3
Rules 66, 78, 78-1, 79, 121, 122, 123, 124, 126, 152, 274, 275, 277, 279, 281, 282, 284, 286 and 294	Class 1	Level 6
Rules 72, 73, 74, 75, 76, 77, 84, 85, 86, 87, 108, 114, 136, 140, 142, 144, 144-1, 145, 148, 148A, 149, 154, 154A(1), (3) and (5), 157(1), 159, 224, 224-1, 264, 265(1), 266, 267-1, 268, 268-2, 268-3, 269, 270(1)(a) and (2), 271(1)(a), (2)(a), (3) (in the circumstances specified in rule 271(2)(a)), (4), (5), (5A), (5B) and (5C), 271-1(1), 271-2(1), 287, 298 and 298-1	Class 1	Level 5
Rules 79-1, 79-2(1) and 218-1	Class 1	Level 2
Rule 82—		
(a) in relation to a bicycle	Class 1	Level 6
(b) in relation to a vehicle other than a motor vehicle or bicycle	Class 1	Level 1

Rule 83—

- |                                                                    |         |         |
|--------------------------------------------------------------------|---------|---------|
| (a) in relation to a motor vehicle                                 | Class 1 | Level 6 |
| (b) in relation to a bicycle                                       | Class 1 | Level 2 |
| (c) in relation to a vehicle other than a motor vehicle or bicycle | Class 1 | Level 1 |

Rules 93, 94, 95, 96, 97, 101A, 111, 115, 116, 125, 128, 143, 155 and 156	Class 1	Level 4
---------------------------------------------------------------------------	---------	---------

Rule 102—

- |                                                                                                                                                                                             |                |          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------|
| (a) in relation to a driver who drives through or under, or attempts to drive through or under, a tunnel, bridge or other structure to which a clearance sign or low clearance sign relates | Class 1, 2, 14 | Level 17 |
| (b) in relation to a driver in circumstances other than referred to in paragraph (a)                                                                                                        | Class 1, 2, 14 | Level 3  |

Rule 103	Class 1, 2, 11, 14	Level 4
----------	--------------------	---------

Rule 104(1) and (3)	Class 1, 2, 11, 14	Level 3
---------------------	--------------------	---------

Rule 104(2)—

- |                                                                                                      |                    |          |
|------------------------------------------------------------------------------------------------------|--------------------|----------|
| (a) in relation to a length of road other than the length of road referred to in paragraph (b)       | Class 1, 2, 11, 14 | Level 3  |
| (b) in relation to the length of road between Galston and Hornsby Heights that crosses Galston Gorge | Class 1, 2, 11, 14 | Level 14 |

Rules 105 and 107	Class 1, 2, 14	Level 8
-------------------	----------------	---------

Rule 106(1) and (3)	Class 1, 2, 11, 14	Level 3
---------------------	--------------------	---------

Rule 106(2)—

- |                                                                                                      |                    |          |
|------------------------------------------------------------------------------------------------------|--------------------|----------|
| (a) in relation to a length of road other than the length of road referred to in paragraph (b)       | Class 1, 2, 11, 14 | Level 3  |
| (b) in relation to the length of road between Galston and Hornsby Heights that crosses Galston Gorge | Class 1, 2, 11, 14 | Level 14 |

Rule 119—

- |                                                                                     |         |         |
|-------------------------------------------------------------------------------------|---------|---------|
| (a) in relation to the rider of a bicycle                                           | Class 1 | Level 2 |
| (b) in relation to a rider in circumstances other than referred to in paragraph (a) | Class 1 | Level 1 |

Rule 127(1), in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone	Class 1, 2, 14	Level 11
Rule 127(1), otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone	Class 1	Level 6
Rule 128A, otherwise than in school zone	Class 1	Level 4
Rule 128A, in school zone	Class 1	Level 5
Rules 129, 137 and 138—		
(a) in relation to a motor vehicle	Class 1	Level 4
(b) in relation to a bicycle	Class 1	Level 2
(c) in relation to a vehicle other than a motor vehicle or bicycle	Class 1	Level 1
Rules 130, 131 and 135—		
(a) in relation to a motor vehicle	Class 1	Level 5
(b) in relation to a bicycle	Class 1	Level 2
(c) in relation to a vehicle other than a motor vehicle or bicycle	Class 1	Level 1
Rule 132, other than rule 132(2A) in a school zone—		
(a) in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone	Class 1, 2 14	Level 11
(b) in relation to a class B or class C motor vehicle not in a Safe-T-Cam zone or average speed detection zone	Class 1, 14	Level 5
(c) in relation to a motor vehicle that is not a class B or class C motor vehicle	Class 1	Level 5
(d) in relation to a bicycle	Class 1	Level 2
(e) in relation to a vehicle other than a vehicle referred to in paragraphs (a)–(d)	Class1	Level 1
Rule 132(2A) in a school zone	Class 1	Level 6
Rules 146, 147 and 150(1)—		
(a) in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone	Class 1, 2, 14	Level 11

(b) otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone	Class 1	Level 4
Rule 151—		
(a) in relation to the rider of a bicycle	Class 1	Level 2
(b) in relation to a rider in circumstances other than referred to in paragraph (a)	Class 1	Level 1
Rule 151A(2)	Class 1	Level 8
Rule 155A	Class 1	Level 4
Rule 157-1(1)	Class 1	Level 5
Rule 157-1(2)	Class 1, 10, 13	Level 5
Rules 160, 161, 212, 213, 216, 218, 219, 271(1)(b), (2)(b) and (3), 272 and 296(2)	Class 1	Level 2
Rule 167, otherwise than in school zone	Class 1, 7, 10, 13	Level 4
Rule 167, in school zone	Class 1, 10, 13	Level 5
Rule 168, otherwise than in school zone	Class 1, 7, 10, 13	Level 2
Rule 168, in school zone	Class 1, 10, 13	Level 3
Rule 168-1	Class 1, 7, 8, 9, 10, 12, 13	Level 2
Rule 169	Class 1, 7, 10, 13	Level 4
Rule 170(1), (2) and (3), otherwise than in school zone	Class 1, 7, 10, 13	Level 5
Rule 170(1), (2) and (3), in school zone	Class 1, 10, 13	Level 6
Rules 171(1), 172(1), 173(1) and 174(2), otherwise than in school zone	Class 1, 7, 10	Level 5
Rules 171(1), 172(1), 173(1) and 174(2), in school zone	Class 1, 10	Level 6
Rule 175(1)	Class 1, 10	Level 5
Rule 176	Class 1, 7, 10, 13	Level 4
Rules 177 and 178	Class 1, 10, 13	Level 4
Rules 179, 180, 181 and 190	Class 1, 7, 10	Level 3
Rule 179-1	Class 1, 7, 10, 12	Level 3
Rule 182(1)	Class 1, 2, 4, 7, 10,	Level 3
Rule 183(1), otherwise than in school zone	Class 1, 2, 3, 7, 10	Level 4

Rule 183(1), in school zone	Class 1, 2, 3, 10	Level 5
Rule 184(1), in relation to a minibus zone in a clearway, transit lane or bus lane	Class 1, 2, 3, 7, 10	Level 3
Rule 184(1), otherwise than in relation to a minibus zone in a clearway, transit lane or bus lane	Class 1, 2, 3, 7, 10	Level 2
Rule 186	Class 1, 2, 7, 10	Level 2
Rule 187(1)	Class 1, 2, 7, 10, 13	Level 4
Rule 187(2) and (3)	Class 1, 7, 10, 13	Level 4
Rule 187(4)	Class 1, 2, 7, 10, 13	Level 4
Rules 188, 193, 194, 199, 200, 201, 202, 205, 208A, 209, 210 and 211	Class 1, 7, 10	Level 2
Rule 189, otherwise than in school zone	Class 1, 7, 10	Level 4
Rule 189, in school zone	Class 1, 10	Level 5
Rules 191, 192 and 203A	Class 1, 7, 10, 13	Level 3
Rule 195(1), otherwise than in school zone	Class 1, 2, 7, 10	Level 4
Rule 195(1), in school zone	Class 1, 2, 10	Level 5
Rule 195(1-1), otherwise than in school zone	Class 1, 2, 7, 10	Level 4
Rule 195(1-1), in school zone	Class 1, 2, 10	Level 5
Rule 196(1)	Class 1, 2, 10	Level 3
Rules 197(1) and 198(1) and (2), otherwise than in school zone	Class 1, 7, 10	Level 4
Rules 197(1) and 198(1) and (2), in school zone	Class 1, 10	Level 5
Rule 197(1A) and (1B), otherwise than in school zone	Class 1, 7, 10	Level 2
Rule 197(1A) and (1B), in school zone	Class 1, 10	Level 3
Rule 203(1)	Class 1, 7, 10, 12	Level 7
Rules 203B and 203C	Class 1, 7, 10, 12	Level 2
Rule 205A-1(1)	Class 1, 7, 10, 12, 13	Level 4
Rules 207 and 207-7	Class 1, 7, 10, 12	Level 2
Rule 208(1), arising from a breach of rule 208(2), otherwise than in school zone	Class 1, 7, 10	Level 4
Rule 208(1), arising from a breach of rule 208(2), in school zone	Class 1, 10	Level 5

Rule 208(1), arising from a breach of rule 208(3), (4), (5), (7) or (8)	Class 1, 7, 10	Level 2
Rule 208(1), arising from a breach of rule 208(6), otherwise than in school zone	Class 1, 7, 10	Level 4
Rule 208(1), arising from a breach of rule 208(6), in school zone	Class 1, 10	Level 5
Rule 215-1, in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone	Class 1, 2, 14	Level 11
Rule 215-1, otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone	Class 1	Level 2
Rule 220-1(1)	Class 1	Level 2
Rules 221-1, 294-3 and 300-5	Class 1, 2, 14	Level 2
Rule 221-2	Class 1, 14	Level 2
Rule 222-1	Class 1, 2, 14	Level 5
Rule 222-2	Class 1, 2, 14	Level 3
Rules 223, 228, 229, 230, 231, 232, 233, 234, 235, 235A, 236, 237, 238, 239, 240A, 240, 241, 242, 243, 244, 301, 302 and 303	Class 1	Level 1
Rules 226 and 227	Class 1, 2, 14	Level 2
Rule 245-1	Class 1	Level 6
Rules 254, 256 and 262-9	Class 1	Level 5
Rules 262-1, 262-4, 262-5, 262-6, 262-7(1), (2) and (3), 262-8, 262-10, 262-11, 262-12 and 262-13	Class 1	Level 2
Rule 265(3), where driver drives with 1 unrestrained passenger	Class 1	Level 5
Rule 265(3), where driver drives with 2 unrestrained passengers	Class 1	Level 8
Rule 265(3), where driver drives with 3 unrestrained passengers	Class 1	Level 10
Rule 265(3), where driver drives with 4 or more unrestrained passengers	Class 1	Level 12
Rule 270(1)(a) and (b), where unhelmeted rider rides bike with 1 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 1 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, 14	Level 5
Rule 291-1	Class 1, 2, 14	Level 3
Rule 291-2	Class 1, 2, 13, 14	Level 3
Rule 292(a) and (b)	Class 1, 2, 10, 14	Level 6
Rule 292(c)	Class 1, 2, 10, 14	Level 6
Rule 293(2)	Class 1, 2, 13, 14	Level 6
Rule 294-1	Class 1, 2, 14	Level 6
Rule 294-2	Class 1, 2	Level 6
Rule 296(1), otherwise than in school zone	Class 1	Level 3
Rule 296(1), in school zone	Class 1	Level 4
Rule 300-2(1)	Class 1	Level 6
Rule 300-4	Class 1, 2, 14	Level 5
Rule 304(1)	Class 1, 13, 14	Level 5
Rule 316-2(1)	Class 1, 2, 10, 13	Level 3

### **Road Transport Act 2013**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Authorised officer</b>	<b>Penalty</b>
Section 50	Class 1	Level 9
Section 53(1)(a) and (b)—		
(a) where the driver held a licence under the Act, excluding a licence appropriate to the class of vehicle driven that is 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, 14	Level 7
(ii) for the second or subsequent offence within the last 5 years	Class 1, 2, 14	Level 9
(b) where the driver held a licence under the Act, excluding a licence appropriate to the class of vehicle driven that is 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, 14	Level 8
(ii) for the second or subsequent offence within the last 5 years	Class 1, 2, 14	Level 11
(c) where the driver held a licence issued under the law in force in another State or Territory, but had resided continuously in New South Wales during the previous 3 months—		
(i) for the first offence, or the first offence within the last 5 years	Class 1, 2, 14	Level 7
(ii) for the second or subsequent offence within the last 5 years	Class 1, 2, 14	Level 9
(d) where the driver held a licence under the Act that had expired less than 2 years before—		
(i) for the first offence, or the first offence within the last 5 years	Class 1, 2, 14	Level 7
(ii) for the second or subsequent offence within the last 5 years	Class 1, 2, 14	Level 9
(e) where the driver held a licence under the Act that had expired 2 years or more before—		
(i) for the first offence, or the first offence within the last 5 years	Class 1, 2, 14	Level 8
(ii) for the second or subsequent offence within the last 5 years	Class 1, 2, 14	Level 11
(f) where the driver had never been licensed within the meaning of section 53(5), for the first offence only	Class 1, 2, 14	Level 9

Section 68(1)—

- |                                                                                                                                                                            |                    |          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|----------|
| (a) if the vehicle is a class A motor vehicle                                                                                                                              | Class 1, 2         | Level 8  |
| (b) if the vehicle is a class A motor vehicle that is a motor vehicle and trailer combination, where the motor vehicle is registered and the towed trailer is unregistered | Class 1, 2         | Level 3  |
| (c) if the vehicle is a class B or class C motor vehicle                                                                                                                   | Class 1, 2, 14     | Level 12 |
| (d) if a trailer is left standing on a road, whether or not the trailer is part of a combination                                                                           | Class 1, 2, 10, 14 | Level 3  |
| (e) if the vehicle is a class A motor vehicle that is left standing on a road, whether or not a trailer is attached                                                        | Class 1, 2, 10     | Level 4  |

Sections 73(3) and 75(2)	Class 1, 2	Level 12
--------------------------	------------	----------

Sections 90(1), 92(1), 96, 97, 104G(1), 104I(1), 104M and 104N	Class 2	Level 8
----------------------------------------------------------------	---------	---------

Sections 91, 92(2), 93, 94, 98(6), 104H, 104I(2), 104J, 104K and 104O(6)	Class 2	Level 12
--------------------------------------------------------------------------	---------	----------

Section 110(1)–(3) if, in the 5 years before the offence, the person—	Class 1	Level 7
-----------------------------------------------------------------------	---------	---------

- |                                                                                                   |  |  |
|---------------------------------------------------------------------------------------------------|--|--|
| (a) has not been issued a penalty notice for an alcohol or other drug related driving offence, or |  |  |
| (b) convicted of the same or an equivalent offence referred to in paragraph (a)                   |  |  |

Section 111(1) if, in the 5 years before the offence, the person—	Class 1	Level 7
-------------------------------------------------------------------	---------	---------

- |                                                                                                   |  |  |
|---------------------------------------------------------------------------------------------------|--|--|
| (a) has not been issued a penalty notice for an alcohol or other drug related driving offence, or |  |  |
| (b) convicted of the same or an equivalent offence referred to in paragraph (a)                   |  |  |

Section 116(1)	Class 1	Level 8
----------------	---------	---------

Section 117(1)(c)	Class 1	Level 6
-------------------	---------	---------

Sections 119 and 120(3)	Class 1	Level 13
-------------------------	---------	----------

Section 143(6)	Class 1, 2	Level 5
----------------	------------	---------

Section 162	Class 1, 2, 14	Level 14
-------------	----------------	----------

Section 169A(7)	Class 1, 2, 10	Level 5
-----------------	----------------	---------

Section 175(2)(a) or (b)	Class 1, 2, 10, 14	Level 2
Section 177(1)	Class 1, 2, 10, 14	Level 9
Section 188(1)—		
(a) if the offence relates to a vehicle registered otherwise than in the name of a natural person—		
(i) for the first offence, or the first offence within the last 5 years	Class 1	Level 12
(ii) for the second or subsequent offence within the last 5 years	Class 1	Level 17
(b) in any other case	Class 1	Level 8
Section 188(2)—		
(a) if the offence relates to a vehicle registered otherwise than in the name of a natural person	Class 1	Level 12
(b) in any other case	Class 1	Level 8
Section 189(4)—		
(a) if the person served with the verification notice is an individual	Class 1	Level 8
(b) if the person served with the verification notice is a corporation—		
(i) for the first offence, or the first offence within the last 5 years	Class 1	Level 12
(ii) for the second or subsequent offence within the last 5 years	Class 1	Level 17
Section 192(3)	Class 1	Level 8
Sections 239(2) and 244(1)–(3)	Class 1	Level 14
Section 243(1) and (2)	Class 1	Level 15
Section 244(4)	Class 1	Level 9

**Road Transport (Driver Licensing) Regulation 2017**

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

Clause 9(2) and (3)	Class 1, 2, 14	Level 2
Clause 15(1)(a)	Class 1	Level 9
Clauses 15(1)(b), 17(1)(a) and (b), 18(a) and (b) and 23(a) and (b)	Class 1	Level 4
Clauses 16(a) and (b), 19, 41A(8) and (10), 96(14) and 122(1)(a), (b) and (c)	Class 1	Level 2
Clause 17(2)	Class 1	Level 7
Clause 41A(9)	Class 1	Level 5
Clause 93(3)	Class 1	Level 13
Clause 119(1), where the licence concerned is an interlock driver licence—		
(a) in relation to a condition imposed by clause 83(3)	Class 1	Level 13
(b) in relation to a condition imposed by clause 85(1)(e) or (f)	Class 1	Level 13
Clause 119(1), otherwise than where the licence concerned is an interlock driver licence—		
(a) in relation to a condition imposed by clause 22(1)(b) or 29(1)(b)— for the first offence, or the first offence within the last 5 years	Class 1	Level 7
(b) in relation to a condition imposed by clause 22(1)(b) or 29(1)(b)—for the second or subsequent offence within the last 5 years	Class 1	Level 9
(c) in relation to a condition imposed by clause 22(1)(c)	Class 1	Level 5
(d) in relation to a condition imposed by clause 36, 37 or 38	Class 1	Level 7
(e) in relation to a licence condition not referred to in paragraphs (a)–(d)	Class 1	Level 4
Clauses 120, 121 and 123(2)	Class 1, 2	Level 2

**Road Transport (General) Regulation 2021**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Authorised officer</b>	<b>Penalty</b>
Section 11(1)	Class 1	Level 6
Section 14(1)	Class 1	Level 2
Sections 17(1), 18(1) and 19(2)	Class 1, 2, 14	Level 5

Sections 19(3) and 20(2) and (3)	Class 1, 2, 14	Level 3
Section 27(1) and (3)	Class 1, 2, 7, 10, 13	Level 3
Section 28(1)	Class 1, 2, 10, 13, 14	Level 3
Section 52(1), in relation to a contravention of a requirement of section 55(1) or 66	Class 1, 2, 5, 6, 10, 11, 14	Level 9
Section 52(1), in relation to a contravention of a requirement of section 60	Class 1, 2, 5, 6, 10, 11, 14	Level 3
Section 59(4)	Class 1, 2, 14	Level 4
Section 64	Class 1, 2	Level 4
Section 67(a) and (b)	Class 1, 2, 10, 11, 14	Level 4
Section 67(c)	Class 1, 2, 10, 11, 14	Level 6
Section 72(1)	Class 1, 2, 5, 6, 10, 11, 14	Level 3
Sections 88(1), 89(a) and (d), 123(1) and 124(a), (d) and (e)	Class 1, 7, 10, 12	Level 4
Sections 89(b) and (c) and 124(b) and (c)	Class 1, 7, 10, 12	Level 3
Section 106(2)	Class 1, 2	Level 2
Section 108(1) and (3)	Class 1, 2	Level 2
Sections 114, 115, 116, 117(2), 118(3) and 119(4) and (5)	Class 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13	Level 8
Section 163(6), if the offence arises because the laden mass of the vehicle exceeds the maximum specified by the limit notice—		
(a) by not more than 1 tonne	Class 1, 2, 10, 11, 14	Level 5
(b) by more than 1 tonne but not more than 2 tonnes	Class 1, 2, 10, 11, 14	Level 8
(c) by more than 2 tonnes but not more than 3 tonnes	Class 1, 2, 10, 11, 14	Level 10
(d) by more than 3 tonne but not more than 4 tonnes	Class 1, 2, 10, 11, 14	Level 11

**Road Transport (Vehicle Registration) Regulation 2017**

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

Clauses 23(4), 29(1), 30(1), 31, 36(8), 37(1), (3), (4), (6) and (7), 39(1), 42(3), 43(4), 47(5), 52(3), 53, 54, 55, 56(2) and (3), 60(1) except in relation to a matter provided for elsewhere in this table, 60(2), (4) and (5), 68(8) and (9), 69(4), 77(1), (2) and (3), 78, 129(2) and 130(1) and (3)	Class 1, 2	Level 2
Clause 34(1) and (2)	Class 1	Level 15
Clause 60(1)(a), if the vehicle is a class A motor vehicle	Class 1, 2	Level 6
Clause 60(1)(a), if the vehicle is a class B motor vehicle	Class 1, 2, 14	Level 8
Clause 60(1)(a), if the vehicle is a class C motor vehicle	Class 1, 2, 14	Level 8
Clause 60(1)(b)(i), if the vehicle is a light vehicle that does not comply with the following provisions of the <i>Light Vehicle Standards Rules</i> —		
(a) rule 25C(b), vehicle cause danger or unreasonable annoyance	Class 1, 2	Level 3
(b) rule 26, defective steering	Class 1, 2	Level 5
(c) rule 29(3), motor vehicle fitted with a vehicle frontal protection system, for example a bullbar, roobar or nudge bar, failing to comply with the document titled <i>Technical specification: Requirements for vehicle frontal protection systems fitted to light vehicles</i> published on a publicly accessible website maintained by Transport for NSW and as in force from time to time, because of—		
(i) incorrect method of mounting vehicle frontal protection system, or	Class 1, 2	Level 3
(ii) exposed edges, or		
(iii) unacceptable shape of material or unacceptable profile of vehicle frontal protection system, or		
(iv) use of non-standard or non-approved vehicle frontal protection system		

<p>(d) rule 29(3), motor vehicle fitted with a vehicle frontal protection system, for example a bullbar, roobar or nudge bar, failing to comply with the document titled <i>Technical specification: Requirements for vehicle frontal protection systems fitted to light vehicles</i> published on a publicly accessible website maintained by Transport for NSW and as in force from time to time, because of dangerous protrusions fitted to vehicle frontal protection system, for example—</p> <p>(i) fishing rod holders, or</p> <p>(ii) aerials, or</p> <p>(iii) winches, or</p> <p>(iv) brackets for the mounting of spot lamps</p>	<p>Class 1, 2</p>	<p>Level 5</p>
<p>(e) rule 29A, oil and grease leaks</p>	<p>Class 1, 2</p>	<p>Level 3</p>
<p>(f) rule 31, defective seating</p>	<p>Class 1, 2</p>	<p>Level 5</p>
<p>(g) rule 31A, seatbelt removed or defective</p>	<p>Class 1, 2</p>	<p>Level 5</p>
<p>(h) rule 31A, motor vehicle not fitted or equipped with seatbelts or seatbelt anchorages</p>	<p>Class 1, 2</p>	<p>Level 5</p>
<p>(i) rule 119, 118, 120, 121, 123, 124, 125, 126, 127 or 128, defective brakes</p>	<p>Class 1, 2</p>	<p>Level 5</p>
<p>(j) rule 122, defective brake other than a defective emergency brake</p>	<p>Class 1, 2</p>	<p>Level 5</p>
<p>(k) rule 130, 134, 137, 139, 140 or 141, undue emission, inefficient silencer or excessive noise</p>	<p>Class 1, 2</p>	<p>Level 3</p>
<p>(l) rule 143 or 144, defective LPG or natural gas equipment or labelling</p>	<p>Class 1, 2</p>	<p>Level 3</p>
<p>Clause 60(1)(b)(ii)</p>	<p>Class 1, 2</p>	<p>Level 3</p>
<p>Clause 64(1)</p>	<p>Class 1, 2</p>	<p>Level 8</p>
<p>Clause 66(4)</p>	<p>Class 1, 2, 14</p>	<p>Level 2</p>
<p>Clauses 68(10) and 69(6)</p>	<p>Class 1, 2</p>	<p>Level 4</p>
<p>Clause 80(4)</p>	<p>Class 1, 2, 14</p>	<p>Level 5</p>
<p>Clause 80(7)</p>	<p>Class 1, 2, 14</p>	<p>Level 2</p>
<p>Clause 81(6)</p>	<p>Class 1, 2, 14</p>	<p>Level 5</p>
<p>Clause 84(1)</p>	<p>Class 1, 2</p>	<p>Level 9</p>

Clauses 85(2) and (5) and 93(1), (2) and (3)	Class 2	Level 8
Clause 85(6)	Class 2	Level 5
Clauses 90(5), 94(2) and (3) and 95(1) and (2)	Class 2	Level 9
Clauses 109(2), 112(1) and (2), 121(1), 123Q(2), 123R(1) and (2) and 123ZA(1)	Class 1, 2	Level 5
Clauses 116 and 123V	Class 2	Level 8
Clauses 119(1) and (3), 121(3), 123Y(1) and (3) and 123ZA(3)	Class 2	Level 12
Clause 128(1)	Class 1, 2, 14	Level 2
Clause 128(2), if the defect notice is a minor defect notice	Class 1, 2, 14	Level 5
Clause 128(2), if the defect notice is a major defect notice	Class 1, 2, 14	Level 6
Clause 128(3) and (5)	Class 1, 2, 14	Level 8
Clause 129(1) and (3), if the vehicle is a class A motor vehicle	Class 1, 2	Level 6
Clause 129(4), if the vehicle is a class A motor vehicle	Class 1, 2	Level 2
Clause 129(1), (3) and (4), if the vehicle is a class B motor vehicle or class C motor vehicle	Class 1, 2, 14	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, 11	Level 2

**Schedule 6 Lower penalty levels for certain parking offences**

section 135

**Part 1 Councils that have opted to participate**

- Blacktown City Council
- Bland Council
- Camden Council
- Central Coast Council
- Cessnock City Council
- Clarence Valley Council
- Eurobodalla Council



Fairfield City Council

Forbes Council

Glen Innes Severn Council

Inverell Council

Lachlan Council

Liverpool City Council

Muswellbrook Council

Nambucca Council

Richmond Valley Council

Shoalhaven City Council

The Hills Council

Wagga Wagga City Council

Wingecarribee Council

Yass Valley Council

## **Part 2 Universities that have opted to participate**

Charles Sturt University

Macquarie University

University of Newcastle

University of Technology Sydney

University of Wollongong

Western Sydney University

## **Schedule 7 (Repealed)**

## **Schedule 8 Dictionary**

section 3

**added load**, for Part 4—see section 51.

**applicable vehicle standards law** means the [Road Transport \(Vehicle Registration\) Regulation 2017](#), clause 25, and—

(a) if the vehicle is a light vehicle—the *Light Vehicle Standards Rules*, or

- (b) if the vehicle is a heavy vehicle within the meaning of the *Heavy Vehicle National Law (NSW)*—the heavy vehicle standards within the meaning of the Law.

**Note—**

See the *Heavy Vehicle (Vehicle Standards) National Regulation (NSW)*.

**area of operations** means—

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

**articulated vehicle** has the same meaning as in the *Road Rules 2014*.

**axle** has the same meaning as in the *Road Rules 2014*.

**axle group** has the same meaning as in the *Road Rules 2014*.

**axle load**, for Part 4—see section 51.

**bus** has the same meaning as in the *Road Rules 2014*.

**centreline**, of an axle or axle group, has the same meaning as in the *Road Rules 2014*.

controlled loading zone has the same meaning as in the *Road Rules 2014*.

**corresponding heavy vehicle standard**, in relation to a provision of the *Light Vehicle Standards Rules*, means a heavy vehicle standard under the *Heavy Vehicle National Law (NSW)* corresponding, or substantially corresponding, to the provision.

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

**declared organisation** means a body constituted by or under an Act or a government department specified in Schedule 2, Column 1.

**designated road**, for Part 3—see section 32.

**disabled person** means a person—

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

**driver licensing law** means—

- (a) the Act, Chapter 3, and
- (b) the *Road Transport (Driver Licensing) Regulation 2017*.

**enforcement officer**, for Part 3—see section 32.

**existing motor lorry**, for Part 4, Division 2—see section 53.

**general manager**, for Part 3—see section 32.

**goods vehicle** has the same meaning as in the [Road Rules 2014](#).

**holder**, of a scheme authority, or an expired or revoked scheme authority, under Part 7—see section 99.

**interstate or overseas authority**, for Part 7—see section 99.

**Light Vehicle Standards Rules** has the same meaning as in the [Road Transport \(Vehicle Registration\) Regulation 2017](#).

**load-carrying**, for Part 4—see section 51.

**loaded mass**, for Part 4—see section 51.

**loading zone device**—see section 121.

**loading zone ticket**—see section 121.

**mobility parking scheme**, for Part 7—see section 99.

**mobility parking scheme authority** or **scheme authority** means an authority issued under Part 7, Division 2.

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

**motor lorry** has the same meaning as in the [Road Rules 2014](#).

**motor tricycle** means any motor vehicle with 3 wheels and having a GVM of 1 tonne or less.

**officer-in-charge**, for Part 3—see section 32.

**organisation**, for Part 7—see section 99.

**park** has the same meaning as in the [Road Rules 2014](#).

**parking area** has the same meaning as in the [Road Rules 2014](#).

**parking authority** means a council or a declared organisation.

**parking bay** has the same meaning as in the [Road Rules 2014](#).

**parking permit** means a permit issued under section 120.

**pay parking area** means a parking area designated by one or more permissive parking signs where information on or with the sign indicating a fee is payable for parking in the area, but does not include a part of the parking area in which the parking of vehicles is prohibited by another provision of the road transport legislation.

**pay parking device** means a device referred to in section 84(2).

**pay parking period**—see section 87.

**pay parking scheme** means a scheme established by a parking authority under section 84.

**pay parking space** means a parking bay in a pay parking area.

**permissive parking sign** means a traffic sign of the kind referred to in the [Road Rules 2014](#), rule 204.

**prime mover** has the same meaning as in the [Road Rules 2014](#).

**public passenger service** has the same meaning as in the [Passenger Transport Act 1990](#).

**quad-axle group** means a group of 4 axles, in which the horizontal distance between the centrelines of the outermost axles is more than 3.2 metres but not more than 4.9 metres.

**registry** has the same meaning as in the [Road Transport \(Vehicle Registration\) Regulation 2017](#).

**regular passenger service** has the same meaning as in the [Passenger Transport Act 1990](#).

**relevant parking fee**, in relation to the parking of a vehicle in a pay parking space or area, means the fee for parking a vehicle in the space or area, for the day and time during which the vehicle is parked in the space or area, that is—

- (a) fixed by the parking authority, and
- (b) displayed in the pay parking area, or on a pay parking device for the space or area.

**road**—see section 3(2).

**road related area**—see section 3(2).

**school zone** means a school zone as defined in the [Road Rules 2014](#), rule 23(2), but only during the period in which the speed limit indicated by a school zone sign has effect, as referred to in those Rules, rule 318(3-1).

**semi-trailer** has the same meaning as in the [Road Rules 2014](#).

**sidecar** has the same meaning as in the [Road Rules 2014](#).

**single axle** has the same meaning as in the [Road Rules 2014](#).

**special event parking area** has the same meaning as in the [Road Rules 2014](#), rule 205A-1.

**station wagon** has the same meaning as in the [Road Transport \(Vehicle Registration\) Regulation 2017](#).

**tandem axle group** has the same meaning as in the [Road Rules 2014](#).

**TfNSW guidelines** means guidelines issued by Transport for NSW in force—

- (a) for a pay parking scheme—under section 93(1), and

- (b) for the issue of parking permits—under section 120(3), and
- (c) for a controlled loading zone scheme—under section 126(1).

**the Act** means the [Road Transport Act 2013](#).

**total mass**, for Part 4—see section 51.

**traffic sign** has the same meaning as in the [Road Rules 2014](#).

**tri-axle group** has the same meaning as in the [Road Rules 2014](#).

**vehicle**—

- (a) for Part 4—see section 51, and
- (b) for Part 6 and Part 8, includes a horse.

**visiting motor lorry**, for Part 4, Division 2—see section 53.

**wheel**, for Part 4—see section 51.