

TRAFFIC ACT 1909—REGULATION

(Relating to penalty notices for certain offences relating to tow trucks and to the amount of penalties imposed by penalty notices for traffic and parking infringements)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Traffic Act 1909, has been pleased to make the Regulation set forth hereunder.

ANNE COHEN, M.P.,
Minister for Transport and Minister for Roads

Commencement

1. This Regulation commences on 1 July 1993

Amendments

2. The Motor Traffic Regulations 1935 are amended:
 - (a) by inserting after Regulation 130A (1) (c) the following paragraph:
 - (c1) a person employed by the Authority, or by the Tow Truck Industry Council, as an enforcement officer for the purposes of this Regulation is a prescribed officer in respect of the offences set out in Parts 10 and 11 of Schedule K;
 - (b) by omitting from Regulation 130A (1) (e) the words "State Pollution Control Commission employed by that Commission" and by inserting instead the words "Environment Protection Authority employed by that Authority";

- (c) by omitting Schedule K and by inserting instead the following Schedule:

**SCHEDULE K—PRESCRIBED OFFENCES AND
PENALTIES FOR THE PURPOSES OF SECTION 18B
OF THE ACT**

(Reg. 130A)

PART 1

Offences under the Traffic Act 1909

TABLE A

Offence	Penalty \$
Any offence under:	
Section 6 (1) (a) or 6 (1) (b):	
If, at the time of the offence:	
(a) the driver held a licence under the Act (but not a licence appropriate to the class of vehicle driven)	205
(b) 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	205
(c) the driver had held a licence under the Act that had expired less than 2 years before.....	205
(d) the driver had 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	308
(ii) for the second or subsequent offence within the last 5 years	513
(e) the driver had never held a licence:	
(i) for the first offence, or the first offence within the last 5 years	308
(ii) for the second or subsequent offence within the last 5 years	513
Section 6 (1) (c) (i), (ii), (iii) or (iv)	57
Section 6 (1) (c) (v)	350
Section 6A (2)	350

NOTE: In paragraphs (d) and (e) of the matter relating to section 6 (1) (a) and (b), “offence” includes an alleged offence for which a penalty notice was issued to the alleged offender.

TABLE B

Offence	Penalty \$
Any offence under:	
Section 4 (1), for driving negligently	134
Section 4A (1):	
(a) where the motor vehicle (not being a coach or heavy motor vehicle) is driven at a speed which exceeds by more than 30 km/h but not more than 45 km/h the speed limit applicable	296
(b) where the motor vehicle (being a coach or heavy motor vehicle) is driven at a speed which exceeds by more than 30 km/h but not more than 45 km/h the speed limit applicable	444
(c) where the motor vehicle (not being a motor vehicle referred to in Regulation 124 (1) or (2)) is driven at a speed which exceeds by more than 15 km/h but not more than 30 km/h the speed limit applicable	154
(d) where the motor vehicle (being a motor vehicle referred to in Regulation 124 (1) or (2)) is driven at a speed which exceeds by more than 15 km/h but not more than 30 km/h the speed limit applicable	232
(e) where the motor vehicle (not being a motor vehicle referred to in Regulation 124 (1) or (2)) is driven at a speed which exceeds by not more than 15 km/h the speed limit applicable	96

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Offence	Penalty \$
(f) where the motor vehicle (being a motor vehicle referred to in Regulation 124 (1) or (2)) is driven at a speed which exceeds by not more than 15 km/h the speed limit applicable	148
Section 4A (IA):	
(a) where the motor vehicle is not a coach or heavy motor vehicle	593
(b) where the motor vehicle is a coach or heavy motor vehicle	890
Section 4AD (1), (2) or (3)	890
Section 4AE (3)	890
Section 5 (1)	96
Section 5 (3)	96
Section 8 (5)	96
Section 11B	57
Section 18A (1)—in respect of a parking offence—the same penalty as that prescribed in Part 2 of this Schedule for the actual offender.	

PART 2*Offences under the Motor Traffic Regulations 1935***TABLE A**

Offence	Penalty \$
Any offence for which a penalty is imposed by Regulation 129 on any person by reason of the person's contravening any of the following Regulations:	
Regulation 12BA (2), 23, 25, 26 (1) or (2), 27, 30 (1), 31 (2), 38, 38A, 42 (a) or (b), 53 (2) (a) or (b), 53 (3) (a) (i) or (v), 53 (3) (b) or 64 .	57
Regulation 92, in respect of the standing or driving of a motor vehicle which does not comply with any of the following provisions of Schedule F:	
(a) paragraph 4, defective suspension components	77

Offence	Penalty \$
(b) paragraph 4, defective road wheels, wheel studs or nuts	77
(c) paragraph 4, defective or missing body panels	57
(d) paragraph 4, defective LPG equipment ..	77
(e) paragraph 6, defective headlamps	57
(f) paragraph 9, defective tail lamps	57
(g) paragraph 16, defective brake lamps	57
(h) paragraph 43, 44A, 44B, 44C, 44D, 44E, 45, 45A, 46, exceed dimensions	57
(i) paragraph 4, 57, 58, 58A, 59, 60, 61, 62, 63 (1), defective brakes	127
(j) paragraph 63 (2), defective emergency brakes	57
(k) paragraph 4, 64(a), defective steering ..	127
(l) paragraph 66 (1) (b) (ii), excessive overhang	57
(m) paragraph 4, 67, oil and fuel leaks	77
(n) paragraph 68A, seat belt removed or defective	172
(o) paragraph 4, 68B, defective seats, seat anchorages	77
(p) paragraph 4, 68C, defective door latches, hinges	57
(q) paragraph 75, defective body/chassis structural member	77
(r) paragraph 75, 75A, 76, undue emission, inefficient silencer	77
(s) paragraph 82, defective tyres	57
(t) paragraph 110, defective or missing fire extinguisher (bus)	57
(u) paragraph 120–153, road train equipment offences	77
Regulation 92 (1) (d)	96
Regulation 94 (1)	172
Regulation 94B (4)	172
Regulation 94B (5)	172
Regulation 104 (1) (c)	57
Regulation 104 (2)	57
Regulation 105	57
Regulation 108	77
Regulation 109	77

Offence	Penalty \$
Regulation 110 (a)	77
Regulation 113B (1) (a) or (b), 113B (2) or 113C (2)	96
Regulation 113D (3)	127
Regulation 113E	77
Regulation 113F (a) to (c)	57
Regulation 113G (1) or (3)	127
Regulation 114 (1) (a) or (b)	57
Regulation 115 (1)	57
Regulation 116 (a) to (e)	57
Regulation 117G	100
Regulation 117H	100
Regulation 117M	100
Regulation 117N	100
Regulation 118 (1) (a) to (e)	96
Regulation 118 (1) (f)	127
Regulation 118 (5)	96
Regulation 118A (3)	96
Regulation 120A (1) (a) or (b)	127
Regulation 120A (1) (c)	57
Regulation 123, permit or fail to take reasonable precautions to prevent contravention of Regulations 118 (1) (a) to (e), 118 (5) and 118A (3)	96
Regulation 123, permit or fail to take reasonable precautions to prevent contravention of Regulations 118 (1) (f) and 120A (1) (a) or (b)	127
Regulation 123, permit or fail to take reasonable precautions to prevent contravention of Regulations 119, 120, 120A (1) (c), 121 and 122	57
Regulation 126A (1), (2), (3) or (4)	127
Regulation 126B (5)	127
Regulation 126C (1), (2) or (5)	127
Regulation 126D	127
Regulation 126E	127
Regulation 126F (1) or (2)	127
Regulation 126G	127
Regulation 126H	127

TABLE B

Offence	Penalty \$
Any offence for which a penalty is imposed by Regulation 129 on any person by reason of the person's contravening any of the following Regulations:	
Regulation 12 (4). 53 (3) (a) (ii), (iv), (vi) or (vii). Regulation 54 (7):	57
(a) in respect of the offence of driving a motor vehicle:	
(i) contrary to a "give way" or "stop" sign, including a "stop" sign as described in Regulation 54 (6E), or a "roundabout" sign (that is, a traffic control sign displaying a symbol described in Regulation 54 (6) (aj)).	172
(ii) contrary to a "railway crossing stop" sign	172
(iii) contrary to a "truck & bus lane" or "trucks & buses must use low gear" sign	172
(iv) contrary to a "truck & bus speed limit sign	296
(v) contrary to a "bus lane", "buses only lane" or "transit lane" sign	115
(vi) contrary to any other traffic control sign	96
(b) in respect of the following offences:	
(i) where the offence is exceeding a time limit at a loading zone or truck zone or standing illegally at a loading zone or truck zone	70
(ii) where the offence is exceeding a time limit at any other place	51
or	
parking for more than one hour at a place where standing or parking is prohibited	57

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Offence	Penalty \$
(iv) where the offence is standing or parking for one hour or less at a place where standing or parking is prohibited	51
(v) where the offence is stopping or waiting on a clearway, transit lane, bus lane or buses only lane or contrary to a “no stopping” sign	115
(vi) where the offence is standing or waiting contrary to a “disabled person” sign (that is, a traffic control sign displaying a symbol described in Regulation 54 (6) (m1)).....	115
Regulation 61 (2) (a) or (c)	172
Regulation 61 (2) (b)	103
Regulation 65	127
Regulation 65A	96
Regulation 66, 66C (1) (a) or (b)	172
Regulation 66C (1) (c), (d) or (e) or 66D	96
Regulation 67 (1), 67 (2) (b), (c) or (d) or 67 (3)	172
Regulation 67B	96
Regulation 68 (1) (b), 68 (3) or 68A	96
Regulation 68B (3)	134
Regulation 71 (1) (a), 71 (2) (a), (b) or (c) or 71 (3A)	134
Regulation 71 (1) (b) or 71 (2) (d)	172
Regulation 72 (1) or 72 (1B)	134
Regulation 72 (2)	172
Regulation 72A (1)	134
Regulation 72A (2)	172
Regulation 73	96
Regulation 74	134
Regulation 74A	96
Regulation 80	115
Regulation 80B	96
Regulation 81	51
Regulation 81A	57
Regulation 83 (a)	70
Regulation 83 (b)	51
Regulation 84 (1), paragraph (c) excepted	51

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Offence	Penalty \$
Regulation 84 (1) (c):	
(a) where the motor vehicle is standing in a clearway, transit lane, buses only lane or bus lane	96
(b) where the motor vehicle is standing in any other location	70
Regulation 85	51
Regulation 90 (1) (a) or (d) or 90A	96
Regulation 92, in respect of the standing or driving of a motor vehicle which does not comply with any of the following provisions of Schedule F:	
(a) paragraph 118	172
(b) paragraph 147, where the motor vehicle is not fitted or equipped with seat belts or seat belt anchorages	172
Regulation 95 (3)	57
Regulation 106, 107	77
Regulation 110A	57
Regulation 110E, 110F or 110G	96
Regulation 111	57
Regulation 124:	
(a) where the motor vehicle, not being a motor vehicle referred to in Regulation 124 (1) or (2):	
(i) is driven at a speed which exceeds by more than 45 km/h the speed permitted	593
(ii) is driven at a speed which exceeds by more than 30 km/h but not more than 45 km/h the speed permitted	296
(iii) is driven at a speed which exceeds by more than 15 km/h but not more than 30 km/h the speed permitted	154
(iv) is driven at a speed which exceeds by not more than 15 km/h the speed permitted	96
(h) where the motor vehicle, being a coach or heavy motor vehicle:	
(i) is driven at a speed which exceeds by more than 45 km/h the speed permitted	890

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Offence	Penalty \$
(ii) is driven at a speed which exceeds by more than 30 km/h but not more than 45 km/h the speed permitted	444
(iii) is driven at a speed which exceeds by more than 15 km/h but not more than 30 km/h the speed permitted	232
(iv) is driven at a speed which exceeds by not more than 15 km/h the speed permitted	148
(c) where the motor vehicle, being a motor vehicle referred to in Regulation 124 (1), but not being a coach:	
(i) is driven at a speed which exceeds by more than 45 km/h the speed permitted	593
(ii) is driven at a speed which exceeds by more than 30 km/h but not more than 45 km/h the speed permitted	296
(iii) is driven at a speed which exceeds by more than 15 km/h but not more than 30 km/h the speed permitted	232
(iv) is driven at a speed which exceeds by not more than 15 km/h the speed permitted	148
Regulation 124A	593

TABLE C

Offence	Penalty \$
Any offence under the Regulations, not being an offence specified in Table A or B of this Part, or an offence under Regulation 53 (3) (a) (iii), 53 (3) (c), 67 (2) (a), 69A (1), (2) and (3) or 119A (2)	57

PART 3*Offences under the Motor Vehicles Taxation Act 1988*

Offence	Penalty \$
Any offence under: Section 9 (1)	350

PART 4*Offences under the Motor Accidents Act 1988*

Offence	Penalty \$
Any offence under: Section 8 (1)	350

PART 5*Offences under the Driving Instructors Act 1992*

Offence	Penalty \$
Any offence under:	
Section 20	500
Section 21	500
Section 29	200
Section 47 (1)	500
Section 84	500
Section 49 (2)	500
Section 52 (1) (a)	500
Section 53	200
Section 54	200
Section 55	500

1993—No. 241**PART 6***Offences under the Driving Instructors Regulation 1993*

Offence	Penalty \$
Any offence under clause 6 (1)	200
Any other offence under the Regulation	500

PART 7*Offences under the Local Government Act 1919 and Ordinances made under that Act*

Offence	Penalty \$
Local Government Act 1919:	
Any offence under section 269A (15) or 270O	51
Ordinance No. 30:	
Any offence under clause 18A, 18AA or 18C	51
Ordinance No. 34A:	
All offences under the Ordinance	51
Ordinance No. 34C:	
Any offence under the Ordinance (other than an offence under clause 5 (c))	51
Any offence under clause 5 (c)	115

PART 8*Offences under Regulations taken to be made under the Traffic Act 1909*

Offence	Penalty \$
General Traffic (Pedestrian) Regulations 1937:	
All offences under the Regulations	37
General Traffic Regulations 1916:	
Any offence under subsection 9 of section 6	70
Any other offences under the Regulations, subsections 3 (a), 7 (1), (2) and (3) of section 13 excepted	37

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PART 9*Offences under Part 4A of the Clean Air Act 1961 and Regulations made under that Act*

Offence	Penalty \$
Clean Air Act 1961: Any offence under section 21B in respect of the emission of excessive air impurities prescribed by Regulation 26 (1) of the Clean Air Regulations 1964	96

PART 10*Offences under the Tow Truck Act 1989*

Offence	Penalty \$
Any offence under:	
Section 15 (a), (b) or (c)	250
Section 34	200
Section 39	100
Section 40 (a) or (b)	100
Section 74 (2)	100

PART 11*Offences under the Tow Truck Regulation 1990*

Offence	Penalty \$
Any offence under:	
Clause 10 (3) or (5)	100
Clause 11 (1) or (2)	250
Clause 13 (a) or 13 (b)	100
Clause 15 (1) (a), (b) or (c)	250
Clause 16 (a) or 16 (b)	100
Clause 20 (1) (a) or (c)	100
Clause 20 (1) (b)	250

EXPLANATORY NOTE

The object of this Regulation is to amend the Motor Traffic Regulations 1935:

- (a) to empower authorised officers of the Roads and Traffic Authority and the Tow Truck Industry Council to be prescribed officers for the purposes of enforcing the provisions of the Tow Truck Act 1989 and the Tow Truck Regulation 1990 and to provide that certain penalties under that Act and Regulation can be imposed by penalty notices issued under section 18B of the Traffic Act 1909; and
- (b) to increase certain penalties imposed by penalty notices issued under section 18B of the Traffic Act 1909 for contraventions of that Act and certain other Acts and of Regulations made under those Acts (including the Driving Instructors Act 1992 and the Driving Instructors Regulation 1993); and
- (c) to effect a name change.

This Regulation is made under the Traffic Act 1909, including section 18B.
