

1991—No. 328

**TRAFFIC ACT 1909—REGULATION**

(Increasing the level of penalties imposed by penalty notices for traffic and parking infringements)

NEW SOUTH WALES



*[Published in Gazette No. 100 of 28 June 1991]*

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.

WAL MURRAY  
Minister for Roads.

**Commencement**

1. This Regulation commences on 1 July 1991.

**Amendments**

2. The Motor Traffic Regulations 1935 are amended:
  - (a) by omitting from Regulation 130A (1) (c) the matter “Parts 5, 6, 7 and 8” and by inserting instead the matter “Parts 3, 4, 5 and 6”;
  - (b) by omitting from Regulation 130A (1) (d) the matter “Part 9” and by inserting instead the matter “Part 7”;
  - (c) by omitting from Regulation 130A (1) (e) the matter “Part 11” and by inserting instead the matter “Part 9”;
  - (d) 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)	85
Section 6 (1) (c) (i), (ii), (iii) or (iv)	51
Section 6 (1) (c) (v)	85
Section 6A (2)	85

**TABLE B**

Offence	Penalty \$
Any offence under:	
Section 4 (1), for driving negligently	119
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	263
(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	394
(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	136
(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	205
(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	85

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	131
Section 4A (1A):	
(a) where the motor vehicle is not a coach or heavy motor vehicle	526
(b) where the motor vehicle is a coach or heavy motor vehicle	789
Section 4AD (1), (2) or (3)	789
Section 4AE (3)	789
Section 5 (1)	85
Section 5 (3)	85
Section 8 (5)	85
Section 11B	51
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	51
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	68
(b) paragraph 4, defective road wheels, wheel studs or nuts	48
(c) paragraph 4, defective or missing body panels	51
(d) paragraph 4, defective LPG equipment	68
(e) paragraph 6, defective headlamps	51
(f) paragraph 9, defective tail lamps	51

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Offence	Penalty
	\$
(g) paragraph 16, defective brake lamps	51
(h) paragraph 43, 44A, 44B, 44C, 44D, 44E, 45, 45A, 46, exceed dimensions	51
(i) paragraph 4, 57, 58, 58A, 59, 60, 61, 62, 63 (1) defective brakes	113
(j) paragraph 63 (2), defective emergency brakes	51
(k) paragraph 4, 64 (a), defective steering	113
(l) paragraph 66 (1) (b) (ii), excessive overhang	51
(m) paragraph 4, 67, oil and fuel leaks	68
(n) paragraph 68A, seat belt removed or defective	153
(o) paragraph 4, 8 B , defective seats, seat anchorages	68
(p) paragraph 4, 68C, defective door latches, hinges	51
(q) paragraph 75, defective body/chassis structural member	68
(r) paragraph 75, 75A, 76, undue emission, inefficient silencer	48
(s) paragraph 82, defective tyres	51
(t) paragraph 110, defective or missing fire extinguisher (omnibus)	51
(u) paragraph 120–153, road train equipment offences	68
Regulation 92 (1) (d)	85
Regulation 94 (1)	153
Regulation 94B (4)	153
Regulation 94B (5)	153
Regulation 104 (1) (c)	51
Regulation 104 (2)	51
Regulation 105	51
Regulation 108	68
Regulation 109	68
Regulation 110 (a)	68
Regulation 113B (1) (a) or (b), 113B (2) or 113C (2)	85
Regulation 113D (3)	113
Regulation 113E	68
Regulation 113F (a) to (c)	51
Regulation 1136 (1) or (3)	113
Regulation 114 (1) (a) or (b)	51
Regulation 115 (1)	51
Regulation 116 (a) to (e)	51
Regulation 118 (1) (a) to (e)	85
Regulation 118 (1) (f)	113
Regulation 118 (5)	85
Regulation 118A (3)	85
Regulation 120A (1) (a) or (b)	113

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Offence	Penalty \$
Regulation 120A (1) (c)	51
Regulation 123, permit or fail to take reasonable precautions to prevent contravention of Regulations 118 (1) (a) to (e), 118 (5) and 118A (3)	85
Regulation 123, permit or fail to take reasonable precautions to prevent contravention of Regulations 118 (1) (f) and 120A (1) (a) or (b)	113
Regulation 123, permit or fail to take reasonable precautions to prevent contravention of Regulations 119, 120, 120A (1) (c), 121 and 122	51
Regulation 126A (1), (2), (3) or (4)	113
Regulation 126B (5)	113
Regulation 126C (1), (2) or (5)	113
Regulation 126D	113
Regulation 126E	113
Regulation 126F (1) or (2)	113
Regulation 126G	113
Regulation 126H	113

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), (3) (a) (ii), (iv), (vi) or (vii)	51
Regulation 54 (7):	
(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))	153
(ii) contrary to a "railway crossing stop" sign	153
(iii) contrary to a "truck lane" or "trucks must use low gear" sign	153
(iv) contrary to a "truck speed limit" sign	243
(v) contrary to a "bus lane" or "transit lane" sign	102
(vi) contrary to any other traffic control sign	85
(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	42

Offence	Penalty \$
(ii) where the offence is exceeding a time limit at any other place	45
(iii) where the offence is standing or parking for more than one hour at a place where standing or parking is prohibited	51
(iv) where the offence is standing or parking for one hour or less at a place where standing or parking is prohibited	45
(v) where the offence is stopping or waiting on a clearway, transit lane, bus lane or contrary to a "no stopping" sign	102
Regulation 61 (2)	153
Regulation 65	113
Regulation 65A	85
Regulation 66, 66G (1) (a) or (b)	153
Regulation 66C (1) (c), (d) or (e) or 66D	85
Regulation 67 (I), 67 (2) (b), (c) or (d) or 67 (3)	153
Regulation 67B	85
Regulation 68 (1) (b), 68 (3) or 68A	85
Regulation 68B (3)	119
Regulation 71 (1) (a), 71 (2) (a), (b) or (c) or 71 (3A)	119
Regulation 71 (1) (b) or 71 (2) (d)	153
Regulation 72 (1) or 72 (1B)	119
Regulation 72 (2)	153
Regulation 72A (1)	119
Regulation 72A (2)	153
Regulation 73	85
Regulation 74	119
Regulation 74A	85
Regulation 80	102
Regulation 80B	85
Regulation 81	45
Regulation 81A	51
Regulation 83 (a)	62
Regulation 83 (b)	45
Regulation 84 (1), paragraph (c) excepted	45
Regulation 84 (1) (c):	
(a) where the motor vehicle is standing in a clearway, transit lane or bus lane	85
(b) where the motor vehicle is standing in any other location	62
Regulation 85	45
Regulation 90 (1) (a) or (d) or 90A	85

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Offence	Penalty \$
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	153
(b) paragraph 147 where the motor vehicle is not fitted or equipped with seat belts or seat belt anchorages	153
Regulation 95 (3)	51
Regulation 106, 107	68
Regulation 110A	51
Regulation 110E, 110F or 110G	85
Regulation 111	51
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	526
(ii) is driven at a speed which exceeds by more than 30 km/h but not more than 45 km/h the speed permitted	263
(iii) is driven at a speed which exceeds by more than 15 km/h but more than 30 km/h the speed permitted	136
(iv) is driven at a speed which exceeds by not more than 15 km/h the speed permitted	85
(b) 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	789
(ii) is driven at a speed which exceeds by more than 30 km/h but not more than 45 km/h the speed permitted	394
(iii) is driven at a speed which exceeds by more than 15 km/h but not more than 30 km/h the speed permitted	205
(iv) is driven at a speed which exceeds by not more than 15 km/h the speed permitted	131
(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	526

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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	263
(iii) is driven at a speed which exceeds by more than 15 km/h but not more than 30 km/h the speed permitted	205
(iv) is driven at a speed which exceeds by not more than 15 km/h the speed permitted	1 3 1
Regulation 124A	526

**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 (I), (2) and (3) or 119A (2)	51

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

Offence	Penalty \$
Any offence under: Section 9 (1)	85

**PART 4***Offences under the Motor Accidents Act 1988*

Offence	Penalty \$
Any offence under: Section 8 (1)	85

**PART 5***Offences under the Motor Vehicle Driving Instructors Act 1961*

Offence	Penalty \$
Any offence under: Section 9 (1) (a)	85



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**PART 6**

*Offences under the Motor Vehicle Driving Instructors  
Regulations 1962*

Offence	Penalty \$
Any offence for which a penalty is imposed by Regulation 12 on any person by reason of the person's contravening: Regulation 8, fail to produce licence when required by police or by authorised officer	68

**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	45
Ordinance No. 30:	
Any offence under clause 18A, 18AA or 18C	45
Ordinance No. 34A:	
All offences under the Ordinance	45

**PART 8**

*Offences under Regulations deemed to be made under the  
Traffic Act 1909*

Offence	Penalty \$
General Traffic (Pedestrian) Regulations 1937:	
All offences under the Regulations	33
General Traffic Regulations 1916:	
Any offence under subsection 9 of section 6	62
Any other offences under the Regulations, subsections 3 (a), 7 (1), (2) and (3) of section 13 excepted	33

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

Offence	Penalty \$
Clean Air Act 1941: 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	85

**EXPLANATORY NOTE**

The object of this Regulation is to increase the 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.