Road Transport (General) Regulation 2013

Current version for 1 July 2019 to date (accessed 24 July 2019 at 10:05)

Status information

Currency of version
Current version for 1 July 2019 to date (accessed 24 July 2019 at 10:05)
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. See Historical Notes

Staged repeal status
This legislation is currently due to be automatically repealed under the Subordinate Legislation Act 1989 on 1 September 2019

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 1 July 2019.
Part 1 Preliminary

1 Name of Regulation

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

2 Commencement

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

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

(1) In this Regulation:

   applicable vehicle standards law means clause 25 of the Road Transport (Vehicle Registration) Regulation 2017 and:

   (a) in the case of a light vehicle—the Light Vehicle Standards Rules, or

   (b) in the case of a heavy vehicle within the meaning of the Heavy Vehicle National Law (NSW)—the heavy vehicle standards within the meaning of that Law.

   Note. See the Heavy Vehicle (Vehicle Standards) National Regulation (NSW).

area of operations means:

   (a) in relation to a council—the council’s local government area, and

   (b) in relation to a declared organisation—the area of operations specified in relation to that organisation in Column 2 of Schedule 2.

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

Authority guidelines means guidelines in force under clause 83.

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

axle group means a single axle, tandem axle group, twin steer axle group, tri-axle group or quad-axle group.
bus means a motor vehicle built mainly to carry people that seats over 12 persons (including the driver).

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

(a) in the case of a single axle comprising more than one axle or a tandem axle group, not being a twin steer axle group:

(i) if both axles are fitted with an equal number of tyres, is a line located midway between those axles, or

(ii) if one axle is fitted with twice the number of tyres than the other axle, is a line one third of the distance between the axles away from the axle fitted with the greater number of tyres toward the axle fitted with the lesser number of tyres, or

(b) in the case of a twin steer axle group, is a line located midway between the 2 axles in the group, or

(c) in the case of a tri-axle group, is a line located midway between the extreme axles.

coupon parking area has the same meaning as in rule 207–5 of the Road Rules 2014.

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

coupon parking space has the same meaning as in rule 207–6 of the Road Rules 2014.

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

disabled person means a person:

(a) who is unable to walk because of permanent or temporary loss of the use of one or both legs or other permanent medical or physical condition, or

(b) whose physical condition is detrimentally affected as a result of walking 100 metres, or

(c) who requires the use of crutches, a walking frame, callipers, scooter, wheelchair or other similar mobility aid.

driver licensing law means:

(a) Chapter 3 of the Act, and
(b) the Road Transport (Driver Licensing) Regulation 2017.

goods vehicle means:
(a) a station wagon, or
(b) a vehicle constructed principally for the conveyance of goods.

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

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

Light Vehicle Standards Rules has the same meaning as in the Road Transport (Vehicle Registration) Regulation 2017.

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

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

metered parking area has the same meaning as in rule 207–1 of the Road Rules 2014.

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

metered parking space has the same meaning as in rule 207–1 of the Road Rules 2014.

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

money based coupon means a parking coupon that allows a person to park a vehicle in a coupon parking space for a period of time calculated by reference to:
(a) the amount specified on the coupon as the parking fee that has been pre-paid for parking the vehicle in a coupon parking space, and
(b) the relevant fee for the space.

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

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

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

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

ordinary metered parking area has the same meaning as in rule 207–1 of the Road Rules 2014.
park has the same meaning as it has in the Road Rules 2014.

parking authority means a council or a declared organisation.

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

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

parking permit means a permit issued under clause 95.

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

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

pay parking area means:

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

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

pay parking scheme means:

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

pay parking space means:

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

permissive parking sign means a traffic sign of the kind referred to in rule 204 of the Road Rules 2014.
phone parking area has the same meaning as in rule 207–8 of the Road Rules 2014.

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

phone parking space has the same meaning as in rule 207–9 of the Road Rules 2014.

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

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

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

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.

registration metered parking area has the same meaning as in rule 207–1 of the Road Rules 2014.

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

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

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

(a) the parking meter or ticket machine for the space (in relation to a metered parking space or a ticket parking space), or

(b) the permissive parking signs or coupon parking signs for the space (in relation to a coupon parking space), or

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

road—see subclause (2).

road related area—see subclause (2).

school zone means a school zone (as defined in rule 23 (2) of the Road Rules 2014), but only during any period in which the speed limit indicated by a school zone sign has effect, as referred to in rule 318 (3–1) of those Rules.

semi-trailer means a trailer that has:

(a) one axle group or single axle towards the rear, and

(b) a means of attachment to a prime mover that would result in some of the mass of the trailer’s load being imposed on the prime mover.
sidecar means any car, box or other receptacle attached to the side of a motor bike and for the carriage of which a third wheel is provided.

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

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

special event parking area has the same meaning as in rule 205A–1 of the Road Rules 2014.

station wagon has the same meaning as it has in the Road Transport (Vehicle Registration) Regulation 2017.

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

the Act means the Road Transport Act 2013.

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

ticket-operated loading zone has the same meaning as in rule 179–1 of the Road Rules 2014.

ticket parking area has the same meaning as in rule 207–3 of the Road Rules 2014.

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

ticket parking space has the same meaning as in rule 207–4 of the Road Rules 2014.

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

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

traffic sign has the same meaning as it has in the Road Rules 2014.

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

twin steer axle group means a group of 2 axles:

(a) with single tyres, and

(b) fitted to a motor vehicle, and

(c) connected to the same steering mechanism, and

(d) the horizontal distance between the centrelines of which is at least 1 metre but not more than 2 metres.
vehicle, in Part 5, includes a horse.

Note. The Act and the Interpretation Act 1987 contain definitions and other provisions that affect the interpretation and application of this Regulation.

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

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

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

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

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

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

(a) Gen Reg is a reference to the Road Transport (General) Regulation 2005 (as it was then named),

(b) STM Reg is a reference to the Road Transport (Safety and Traffic Management) Regulation 1999.

Part 2 Road transport legislation

Division 1 Database of declarations and orders

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

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

(a) to include in the database:

(i) a copy of the complete text of each declaration or order made under Division 2 of Part 1.3 of the Act as soon as is reasonably practicable after its making, and

(ii) information concerning the dates on which any such declaration or order has effect or ceases to have effect, and

(b) to incorporate any amendment to any such declaration or order as soon as is reasonably practicable after the amendment has effect.
5 Access to database (cf Gen Reg, cl 5)

(1) For the purposes of section 22 (3) of the Act, the Authority is to give access to information on the database to a member of the public only if the person pays the access fee prescribed by Schedule 1.

(2) The Authority may waive the fee referred in subclause (1) if it is satisfied that the payment of the fee would result in undue hardship to the person seeking access to information.

Division 2 Special service requirements

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

(1) For the purposes of sections 276 (3) and 277 (2) of the Act, the provisions of this clause set out the only manner in which a notice under the driver licensing law may be given or served.

(2) The Authority may give or serve a notice under the driver licensing law on a person by sending the notice:

(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.

(3) The date on which a person is taken to have been given or served with a notice under the Road Transport (Driver Licensing) Regulation 2017 or a notice under section 54 (2) of the Act is:

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

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

(c) if the notice is sent by electronic communication to an electronic address—the date the notice is sent.

(3A) However, a notice sent by electronic communication is not taken to be given or served if the Authority receives an automated reply, by electronic communication, indicating that the delivery of the notice to the electronic address has failed.

(3B) If subclause (3A) applies, the notice must be served by post or by some other means to the person’s last known home address.

(4) If a person’s home address or address for service of notices is in another jurisdiction, the Authority may request the driver licensing authority of another jurisdiction to act on its behalf in giving or serving a notice on the person or in performing any other act that the Authority could lawfully perform in this jurisdiction.

(5) If the Authority receives a request under a provision of the corresponding driver law of another jurisdiction that corresponds with subclause (4), it may act on behalf of the driver licensing authority of that jurisdiction accordingly.
6) A notice given for the purposes of clause 69 of the *Road Transport (Driver Licensing) Regulation 2017* may only be given personally.

7) If it is provided in the *Road Transport (Driver Licensing) Regulation 2017* that any notification, document or thing must be forwarded, surrendered or delivered to the Authority, it is sufficient compliance with any such provision if the notification, document or thing is forwarded or surrendered to or delivered at a registry within the time prescribed by that Regulation.

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

1) For the purposes of sections 276 (3) and 277 (2) of the Act, the provisions of this clause set out the only manner in which a notice under the vehicle registration law may be given or served on the registered operator of a registrable vehicle.

2) The Authority may give or serve 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 the registered operator’s home address, 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.

3) The date on which a registered operator is taken to have been given or served with a notice under the *Road Transport (Vehicle Registration) Regulation 2017* is:

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

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

(c) if the notice is sent by electronic communication to an electronic address—the date the notice is sent.

3A) However, a notice sent by electronic communication is not taken to be given or served if the Authority receives an automated reply, by electronic communication, indicating that the delivery of the notice to the electronic address has failed.

3B) If subclause (3A) applies, the notice must be served by post or by some other means to the home address of the registered operator.

4) If it is provided in the *Road Transport (Vehicle Registration) Regulation 2017* that any notification, document or thing must be forwarded, surrendered or delivered to the Authority, it is sufficient compliance with any such provision if the notification, document or thing is forwarded or surrendered to or delivered at a registry within the time prescribed by that Regulation.

5) In this clause:

*vehicle registration law* means:
Notices to unincorporated associations in connection with mobility parking scheme authorities (cf Gen Reg, cl 8)

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

Division 3 Operation of inconsistent legislation

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

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

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

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

Part 3 Safety and traffic management

Division 1 Responsibility for certain vehicle use

11 Causing, permitting or allowing certain 4.5 tonne vehicles and combinations to be driven in excess of 100 kilometres per hour (cf STM Reg, cl 38)

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

Maximum penalty:

(a) in the case of a vehicle that is a heavy motor vehicle (within the meaning of rule 10–2 of the Road Rules 2014) or coach—30 penalty units, or

(b) in any other case—20 penalty units.

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

(2) In this clause:

vehicle, trailer and combination have the same meanings as in the Road Rules 2014.
12 **Use of vehicle that drops waste oil or grease** (cf STM Reg, cl 43)

The responsible person for a motor vehicle or trailer (other than the driver) must not cause, permit or allow or fail to take reasonable precautions to prevent a contravention of rule 291–2 of the *Road Rules 2014*.

Maximum penalty: 20 penalty units.

**Note.** Rule 291–2 of the *Road Rules 2014* provides that the driver of a motor vehicle or trailer must not drive the vehicle without adequate precautions being taken to prevent waste oil or grease from the machinery, or from any other part, of the vehicle from dropping on the roadway.

13 **Use of motor bike sidecars** (cf STM Reg, cl 47)

(1) The responsible person for a motor bike that is ridden with a passenger in a sidecar must not cause, permit or allow or fail to take reasonable precautions to prevent a contravention of rule 271 of the *Road Rules 2014* in relation to how persons travel in the sidecar.

Maximum penalty: 20 penalty units.

**Note.** Rule 271 of the *Road Rules 2014* provides for how persons are to ride motor bikes and travel in sidecars.

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

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

A person (other than a driver) must not cause or permit a vehicle to be driven in contravention of rule 294–1 (1) of the *Road Rules 2014*.

Maximum penalty: 20 penalty units.

**Note.** Rule 294–1 of the *Road Rules 2014* provides that (subject to certain exceptions) a driver must not drive any of the following vehicles unless written permission is first obtained from the Commissioner of Police and all conditions of the permission are strictly complied with:

(a) an articulated vehicle towing any motor vehicle, trailer or other vehicle,

(b) any other motor vehicle towing more than one motor vehicle, trailer or other vehicle.

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

A person (other than a driver) must not cause or permit a light or other device fitted to a vehicle to be used in contravention of rule 218–1 of the *Road Rules 2014*.

Maximum penalty: 20 penalty units.

**Note.** A driver who uses a light or other device fitted to the driver’s vehicle in contravention of rule 218–1 of the *Road Rules 2014* will also commit an offence against that rule.

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

(1) A person (other than a driver) must not cause or permit any crimson flashing warning light permitted to be fixed to a motor vehicle by rule 114 (4)–(9) of the *Light Vehicle Standards Rules* (or, in the case of a heavy vehicle, a corresponding heavy vehicle standard) to be used unless the vehicle is being used by an employee of a council for the purposes of enforcing excess weight limits legislation.
17 Use of lights on stationary vehicles (cf STM Reg, cl 58)

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

Maximum penalty: 20 penalty units.

Note. See rule 220–1 (1) of the Road Rules 2014 for the corresponding offence in relation to drivers of motor vehicles.

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

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

Maximum penalty: 20 penalty units.

Note. See rule 220–1 (3) of the Road Rules 2014 for the corresponding offence in relation to drivers of motor vehicles.

(4) In this clause:

period of darkness has the same meaning as in the Road Rules 2014.

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

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

Maximum penalty: 20 penalty units.

Note. Rule 300–2 of the Road Rules 2014 provides that the driver of a dangerous goods transporter must not use the vehicle on or in certain prohibited areas.

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

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

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

(4) The holder of a permit issued under subclause (2) who, without lawful excuse, contravenes a condition of the permit is guilty of an offence.

Maximum penalty: 20 penalty units.

(5) Terms or expressions used in this clause that are defined for the purposes of rule 300–2 of the Road Rules 2014 have the same meanings as in that rule.

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

(1) A person (other than a driver) must not cause or permit a lengthy vehicle to be driven in contravention of rule 300–3 of the Road Rules 2014.

Maximum penalty: 20 penalty units.

Note. Rule 300–3 of the Road Rules 2014 provides that the driver of a lengthy vehicle must not, unless written permission is first obtained from the Authority and all the conditions of the permission are strictly complied with, drive the vehicle during certain times on weekdays in specified parts of central Sydney and other roads.

(2) In this clause, lengthy vehicle has the same meaning as in rule 300–3 of the Road Rules 2014.

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

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

(a) parking, minding, caring for, or taking charge of any motor vehicle or trailer (other than a motor vehicle or trailer of which the person is the driver) on any road, or

(b) offering his or her services for any such purpose.

(2) A person on whom a notice under subclause (1) has been served must comply with any prohibition in the notice.

Maximum penalty: 20 penalty units.

(3) Nothing in this clause authorises the Commissioner of Police:

(a) to prohibit the proprietor of a parking station or parking area from parking, minding, caring for, or taking charge of a motor vehicle or trailer in or on any parking station or parking area, or

(b) to prohibit the proprietor of a parking station or parking area from offering the proprietor’s services for any such purpose,

whether by the display or publication of any advertisement in relation to the parking station or parking area or otherwise and whether the services are performed or offered to be performed by the proprietor or by an employee of the proprietor.
21 Inspection of driver licences by responsible persons (cf STM Reg, cl 90)

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

Maximum penalty: 20 penalty units.

Note. Rule 300–5 of the Road Rules 2014 makes it an offence for the driver of a motor vehicle not to carry his or her driver licence.

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

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

Maximum penalty: 20 penalty units.

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

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

Maximum penalty: 20 penalty units.

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

(a) has granted a driver licence to the child under the Act, or

(b) has issued a learner licence to the child under the Act.

(3) In this clause:

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

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

24 School buses (cf STM Reg, cl 93)

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

(a) attach to the bus 2 signs complying with subclause (2), or

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

Maximum penalty: 20 penalty units.

(2) The signs referred to in subclause (1) must contain the words “School Bus” in block letters:

(a) not less than:

(i) 100 millimetres high in the case of the sign to be displayed at the front of a bus, and

(ii) 120 millimetres high in the case of the sign to be displayed at the rear of a bus, and

(b) in black lettering on a fluorescent yellow background.
(3) In this clause, a reference to *drive a bus for school purposes* is a reference to the driving of a bus that:

(a) is being used solely or principally for the conveyance of children to or from school, and

(b) is being so used on a journey wholly outside a transport district (within the meaning of the *Transport Administration Act 1988*).

(4) This clause does not apply to a vehicle that is operated in accordance with clause 25.

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

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

Maximum penalty: 20 penalty units.

(2) This clause does not apply to a bus:

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

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

(3) This clause does not apply to the owner of a bus whom the Authority exempts from compliance with this clause.

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

(5) For the purposes of this clause, a bus is driven or used for school purposes if:

(a) it is being used to convey children (whether with or without adult passengers) to or from school:

(i) between 7.00 am and 9.30 am on a weekday, or

(ii) between 2.30 pm and 5.00 pm on a weekday, or

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

(6) In this clause:

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

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

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

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

(b) safety padding, and

(c) a field of view system.

Maximum penalty: 20 penalty units.

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

(a) a bus door safety system, and

(b) safety padding, and

(c) a field of view system.

Maximum penalty: 20 penalty units.

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

(a) to the owner of a bus whom the Authority exempts in writing from compliance with the requirement, and

(b) to the driver of a bus, the owner of which has been exempted under paragraph (a).

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

(6) In this clause:

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

(a) is designed to prevent, without driver intervention, entrapment of persons by the closing of the doors, and

(b) complies with the requirements of any technical specification approved by the Authority for the purposes of this clause.

**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 technical specification approved by the Authority for the purposes of this clause.

**safety padding** means padding that:

(a) is affixed to handrails, the top and back of seats, and partitions on buses, including raised items that are part of, or are affixed to, seats and partitions, and

(b) complies with the requirements of the technical specification approved by the Authority for the purposes of this clause.
27 Door requirements for buses registered before 1 August 1997 (cf STM Reg, cl 96)

(1) This clause applies to buses fitted with driver controlled doors and first registered before 1 August 1997.

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

Maximum penalty: 20 penalty units.

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

Maximum penalty: 20 penalty units.

(4) Despite subclauses (2) and (3), the steady force applied to any object located up to 1,500 millimetres above the door step when the door of the bus is closing may, if a steady force of 150 newtons results in the door not working properly, be increased to a steady force that enables the door to work properly. However, it must not, in any case, be increased to more than 400 newtons.

Division 2 Alcohol and other drug use

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

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

(a) substances listed in Schedule 3, and

(b) substances that are salts, isomers, esters or ethers of any of the substances so listed or that are salts of those isomers, esters or ethers.

28A Persons prescribed as authorised sample takers

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

(a) an enrolled nurse,

(b) a person employed to work at a hospital (including a hospital as prescribed by clause 29 of this Regulation), whose duties include taking blood samples or other specimens for laboratory testing.
29 Premises, institutions and establishments prescribed for the purposes of Schedule 3 to Act (cf STM Reg, cl 128)

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

(a) the following premises, institutions or establishments of the Royal Australian Air Force:
   (i) Medical Section, No. 1 Central Ammunition Depot, Kingswood,
   (ii) No. 3 RAAF Hospital, RAAF Base, Richmond,
   (iii) Base Medical Flight, RAAF Base, Williamtown,

(b) the 7th Camp Hospital, Kapooka, of the Australian Army,

(c) the following premises, institutions or establishments of the Royal Australian Navy:
   (i) Naval Hospital, HMAS Penguin, Balmoral,
   (ii) Sick Bay, HMAS Harman, Canberra, ACT,
   (iii) Sick Bay, HMAS Kuttabul, Garden Island,
   (iv) Sick Bay, HMAS Creswell, Jervis Bay, ACT,
   (v) Naval Hospital, HMAS Albatross, Nowra,
   (vi) Sick Bay, HMAS Watson, Watson’s Bay,
   (vii) Sick Bay, HMAS Waterhen, Waverton.

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

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

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

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

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

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

   The device (when calibrated and operated properly) must be capable of indicating the presence of a prescribed illicit drug in oral fluid being tested where the concentration of the drug in the fluid is 150 nanograms per millilitre or greater.
Division 3 Prescribed traffic control devices

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

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

(a) any traffic control device of a kind mentioned in the Road Rules 2014 that has effect for the Rules under rule 315 of the Rules,

Note. See also rules 316–318 of the Road Rules 2014.

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

(c) any pay parking device, parking meter or parking ticket machine.

(2) In this clause:

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

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

(1) A person must not (except with the approval of the Authority) place or cause to be placed any matter or thing in such a position as to prevent or be likely to prevent any prescribed traffic control device (within the meaning of section 121 of the Act) from being clearly observed by the driver of any motor vehicle approaching the device along a portion of a road in respect of which the device is installed or displayed.

Maximum penalty: 20 penalty units.

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

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

Maximum penalty: 20 penalty units.

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

A person (other than a driver) must not cause or permit a motor vehicle to be driven on a road that has exhibited on the rear of the vehicle, or on the rear of a trailer that is attached to the vehicle, a do not overtake turning vehicle sign (as referred to in the Road Rules 2014) unless the vehicle is, or the vehicle and trailer together are, 7.5 metres long or longer.

Maximum penalty: 20 penalty units.

Note. Rule 316–2 of the Road Rules 2014 provides that a driver must not drive a motor vehicle if a do not overtake turning vehicle sign is displayed on the rear of the vehicle or on the rear of a trailer that is attached to the vehicle unless the vehicle is, or the vehicle and trailer together are, 7.5 metres long or longer.
Division 4 Approved traffic enforcement devices

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

(1) For the purposes of section 137 (b) of the Act:

(a) an approved traffic enforcement device that is approved for speed measurement and is a radar based device of a kind to which the Australian Standard entitled AS 2898.1—2003, Radar speed detection—Functional requirements and definitions applies must be tested for accuracy and functional requirements:

(i) in accordance with that Standard, or

(ii) in accordance with the manufacturer’s recommended calibration method, and

(a1) 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 that Standard, or

(ii) in accordance with the manufacturer’s recommended calibration method, and

(b) any other approved traffic enforcement devices that are approved for speed measurement must be tested for accuracy and functional requirements in accordance with the manufacturer’s recommended calibration method as approved by the Commissioner of Police or (in the case only of a device that is used in conjunction with, or forms part of, a digital camera device) by the Authority, and

(c) the prescribed period is 12 months.

(1A) For the purposes of section 137A (b) of the Act:

(a) an approved traffic enforcement device that is approved for dimension measurement must be tested for accuracy and functional requirements in accordance with a calibration method approved by the Authority, and

(b) the prescribed period is 12 months.

(2) Each of the following is prescribed as a security indicator for the purposes of section 138 (1) of the Act:

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

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

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

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

(e) a series of 64 characters produced by a SHA-256 algorithm,
(f) a series of 96 characters produced by a SHA-384 algorithm,

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

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

(4) For the purposes of this clause, character includes a letter, number or symbol.

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

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

(a) rule 154 (1) of the Road Rules 2014,

(b) rule 157–1 of the Road Rules 2014.

Division 5 Child safety

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

(1) The Authority may:

(a) from time to time give authorities for schemes (authorised children’s crossing schemes) designed to assist children to cross roads with safety to be conducted by persons who are desirous of taking part in such schemes and are referred to in such authorities, and

(b) authorise any person or class of persons by whom such schemes may be conducted to exercise and discharge for the purposes of such schemes the functions specified in such authorities, and

(c) at any time revoke any such authority.

(2) Each authorised children’s crossing scheme comes into force on the date specified in the authority for the scheme.

(3) Any authorised children’s crossing scheme in force under this clause may from time to time be amended or replaced by a subsequent scheme authorised in like manner.

(4) Any person taking part in the carrying out of any authorised children’s crossing scheme must:

(a) have attained the age of 18 years, and

(b) wear any safety vest issued to him or her by the Authority.

(5) For the purpose of carrying out any authorised children’s crossing scheme, when children are about to use or are on a crossing, any person authorised in that behalf by the Authority:

(a) may cause to be exhibited at or near the crossing, on each side of the roadway, a hand-held stop sign, or

(b) cause a barrier to be placed on each side of the crossing across or partly across the roadway.

(6) A barrier referred to in subclause (5) (b):
(a) must be so placed that it is parallel to the crossing and is on that side of the crossing that is nearer to approaching traffic, and

(b) must be of a type approved by the Authority and must have affixed to it a stop sign in or to the effect of a hand-held stop sign, and

(c) must be so constructed that when it is placed in position on the roadway any stop sign affixed to it will face and be clearly visible to the driver of any motor vehicle approaching the crossing on the side of the roadway where the barrier is situated.

(7) In any proceedings in any court, evidence that a hand-held stop sign was exhibited, as prescribed by this clause, by a person at or near a crossing when children were about to use, or were on, any portion of the crossing, is admissible and is prima facie evidence that the exhibition of the sign by such person was authorised.

(8) In this clause:

crossing means a children’s crossing within the meaning of rule 80 of the Road Rules 2014 or a pedestrian crossing within the meaning of rule 81 of the Road Rules 2014.

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

Division 6 Seizure of certain vehicles

Subdivision 1 Interpretation

38 Definitions (cf STM Reg, cl 144)

In this Division:

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

(a) Amos Lane,
(b) Barncleuth Square,
(c) Bayswater Road, between Ward Avenue and Roslyn Street,
(d) Brougham Street,
(e) Earl Place,
(f) Hughes Street,
(g) Kings Cross Road,
(h) Manning Street,
(i) McDonald Street,
(j) Orwell Street,
(k) Rockwall Crescent,
Subdivision 2 Seizure of vehicles by police officers

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

(1) A police officer may seize and take charge of, and remove or tow away or cause to be removed or towed away, any motor vehicle or trailer:

(a) that is a danger or unreasonable obstruction to traffic, or

(b) that has been abandoned on a road, or

(c) that has been caused or permitted to be used contrary to law on any part of a road in which is conspicuously displayed a sign exhibiting or including the words “tow away area” or “vehicles impounded” or other words indicating that the vehicle is subject to seizure.

(2) Before seizing a motor vehicle or trailer, the police officer must:

(a) if no person is in charge of the vehicle—make reasonable inquiry for the purpose of locating the responsible person for or driver of the vehicle, and

(b) if on such inquiry the responsible person for or driver of the vehicle is located—request the responsible person for the vehicle or driver to remove the vehicle or cause it to be removed immediately and give the responsible person or driver a reasonable opportunity to comply with the request, and

(c) if any person is in charge of the vehicle—request the person to remove the vehicle or cause it to be removed immediately and give the person a reasonable opportunity to comply with the request.

(3) The inquiry referred to in subclause (2) (a) must be made in the vicinity of the place where the vehicle is found. However, nothing in that paragraph authorises or requires a police officer to enter any building for the purpose of the inquiry.

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

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

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

On seizure of a motor vehicle or trailer under this Subdivision, the Commissioner of Police must:
(a) if the name and address of the responsible person for the vehicle are recorded at the office of the Authority in respect of the registration (if any) of the vehicle—send or cause to be sent to such person a notice setting out particulars of the time, date and place of the seizure and the place where the vehicle is kept or impounded within a period of 14 days after the seizure, or

(b) if the name and address of the responsible person for the vehicle are not so recorded:

(i) if the responsible person for the vehicle can, after reasonable inquiry, be located—send or cause to be sent to the responsible person a notice setting out the particulars referred to in paragraph (a) within a period of 14 days after the seizure, or

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

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

(1) Except in the case of a motor vehicle or trailer that is dealt with under subclause (2), the following conditions are to be observed before the release of a motor vehicle or trailer kept or impounded under this Subdivision:

(a) application for the release must be made by the responsible person for the motor vehicle or trailer or by a person acting for or on behalf of the responsible person to an officer-in-charge,

(b) the applicant must furnish evidence as to the responsible person for the motor vehicle or trailer to the satisfaction of the officer-in-charge,

(c) the motor vehicle or trailer must not be released from custody unless:

(i) the officer-in-charge is satisfied that the applicant is the responsible person for the motor vehicle or trailer or that the applicant possesses authority to act for or on behalf of the responsible person, and

(ii) the appropriate amount fixed by the Commissioner of Police as the amount payable in respect of the seizure, taking charge of, removal, towing away, keeping, impounding or releasing of the motor vehicle or trailer has been paid to the officer-in-charge, and

(iii) the applicant has signed a receipt for the delivery of the motor vehicle or trailer on a form supplied to the applicant by the officer-in-charge.

(2) If, within a period of 3 months after the date on which the motor vehicle or trailer has been seized, the responsible person has failed to claim the motor vehicle or trailer and to pay the amount referred to in subclause (1) (c) (ii), the motor vehicle or trailer may, after the expiration of the period, be disposed of or destroyed in accordance with the directions of the Commissioner of Police.
Subdivision 3 Seizure of vehicles by council employees in Kings Cross area

43 When council employees may seize motor vehicles or trailers (cf STM Reg, cl 149)

(1) An enforcement officer may seize and take charge of, and remove or tow away or cause to be removed or towed away, any motor vehicle or trailer that has been caused or permitted to be used contrary to law in any part of a designated road in which is conspicuously displayed a sign exhibiting or including the words “tow away area” or “vehicles impounded” or other words indicating that the vehicle is subject to seizure.

(2) Before seizing a motor vehicle or trailer, the enforcement officer must:

(a) if no person is in charge of the vehicle—make reasonable inquiry for the purpose of locating the responsible person for or driver of the vehicle, and

(b) if on such inquiry the responsible person for or driver of the vehicle is located—request the responsible person for the vehicle or driver to remove the vehicle or cause it to be removed immediately and give the responsible person or driver a reasonable opportunity to comply with the request, and

(c) if any person is in charge of the vehicle—request the person to remove the vehicle or cause it to be removed immediately and give the person a reasonable opportunity to comply with the request.

(3) The inquiry referred to in subclause (2) (a) is to be made in the vicinity of the place where the vehicle is found. However, nothing in that paragraph authorises or requires an enforcement officer to enter any building for the purpose of the inquiry.

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

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

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

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

(a) give the Authority notice of the seizure containing a description of the vehicle to which it relates (including particulars on any registration label and number-plate attached to the vehicle and any identification number stamped on or applied to the engine), and

(b) request the Authority to supply to the enforcement officer any particulars known or available to the Authority of the name and address of the responsible person for the vehicle.

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

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

(1) If the name and address of the responsible person for the vehicle are supplied by the Authority, the enforcement officer must, within a period of 14 days after the seizure, send or cause to be
sent to the responsible person a notice setting out particulars of the time, date and place of the seizure and the place where the vehicle is kept or impounded.

(2) If the name and address of the responsible person for the vehicle are not so supplied, the enforcement officer must:

(a) if the responsible person for the vehicle can, after reasonable inquiry, be located—send or cause to be sent to the responsible person a notice setting out the particulars set out in clause 45 (1) (a) within a period of 14 days after the seizure, and

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

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

(1) Application for the release of a motor vehicle or trailer kept or impounded under this Subdivision is to be made by the responsible person for the motor vehicle or trailer or by a person acting for or on behalf of the responsible person to the general manager at an office of the Council of the City of Sydney during office hours on a business day.

(2) The application is to be dealt with by the general manager or by some other enforcement officer designated by the general manager.

(3) The applicant is to furnish evidence as to the responsible person for the motor vehicle or trailer to the satisfaction of the enforcement officer to whom the application is made.

(4) The motor vehicle or trailer is not to be released from custody unless:

(a) the enforcement officer dealing with the application is satisfied that the applicant is the responsible person for the motor vehicle or trailer or that the applicant possesses authority to act for or on behalf of the responsible person, and

(b) any amount payable under a penalty notice served on the responsible person in respect of an offence against this Regulation of stopping or parking the motor vehicle or trailer (or of causing or permitting the motor vehicle or trailer to stop, wait or park) in that portion of the designated road from which the motor vehicle or trailer was removed or towed away has been paid, and

(c) the appropriate amount fixed by the Authority as the amount payable in respect of the seizure, taking charge of, removal, towing away, keeping, impounding or releasing of the motor vehicle or trailer has been paid to the enforcement officer to whom the application is made, and

(d) the applicant has signed a receipt for the delivery of the motor vehicle or trailer on a form supplied to the applicant by the enforcement officer to whom the application is made.

(5) If, within a period of 3 months after the date on which the motor vehicle or trailer has been seized, the responsible person has failed to claim the motor vehicle or trailer and to pay the appropriate amount, the motor vehicle or trailer may, after the expiration of the period, be disposed of or destroyed in accordance with the directions of the general manager or the Council of the City of Sydney.
(6) For the purposes of subclause (4) (b), an amount is not to be taken to be payable under a penalty notice unless the requirements of Part 3 of the *Fines Act 1996* have been complied with.

**Division 7 Impounded vehicles**

48 **Impounding fee** *(cf Gen Reg, cl 36)*

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

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

(1) A fee is payable to the Commissioner of Police by the responsible person for a vehicle that is towed under section 239 or 242 of the Act, except as otherwise provided by this clause.

(2) The fee payable is whichever is the lesser of the following:

(a) the actual cost of towing the vehicle,

(b) the maximum charge for the time being determined under section 54 of the *Tow Truck Industry Act 1998* (including any surcharge chargeable, in the circumstances of the case, in accordance with a determination under that section) for:

(i) in the case of the Sydney metropolitan area—a 50-kilometre tow, or

(ii) in any other case—a 100-kilometre tow.

(3) A fee is not payable under this clause (and if paid, is refundable) unless:

(a) a person is convicted of the sanctionable offence within the meaning of Part 7.6 of the Act, or

(b) a penalty notice, issued under Division 3 of Part 7.3 of the Act in relation to the alleged offence, is dealt with by payment of the penalty prescribed under that Division or by a penalty notice enforcement order under the *Fines Act 1996* that is made, or is taken to have been made, against the person and that is not subsequently quashed or set aside.

(4) A fee is not payable under this clause by the responsible person for the vehicle if the person furnishes the Commissioner of Police with a statutory declaration stating:

(a) that the offence concerned was not committed with the responsible person’s consent, and

(b) that the responsible person did not know, and could not reasonably be expected to have known, that the vehicle would be used for the commission of the offence, and

(c) that:

(i) at the time of the offence, the vehicle was being driven by a person whose name and address are supplied in the declaration, or

(ii) the responsible person does not know and could not with reasonable diligence have ascertained the name and address of the person who was driving the vehicle at that time.
50 Disposal of impounded vehicles or vehicles forfeited to the Crown (cf Gen Reg, cl 38)

(1) If a vehicle that was impounded under section 239, 242 or 245 of the Act has not been released, in accordance with Part 7.6 of the Act, at the end of the period for which it was liable to be impounded, the Commissioner of Police may, by notice served personally or by post on the registered operator of the vehicle and on every person having a registered interest (as defined in section 237 of the Act), warn the operator and every such person that the vehicle is liable to be offered for sale unless appropriate steps are taken to procure the release of the vehicle.

(2) For the purposes of section 252 of the Act, a vehicle that has been forfeited to the Crown under section 243 or 245 of the Act, or that remains duly impounded for 28 days after service of notices referred to in subclause (1), may be offered for sale, except as provided by subclause (3) or by the order of any court.

(3) A vehicle may not be offered for sale while any application under section 249 of the Act, or any subsequent proceedings arising out of such an application, are pending.

(4) At any time within 12 months after a vehicle has been sold in accordance with this Regulation, a person may apply to the Commissioner of Police for payment to the person of the balance of the proceeds of sale of the vehicle, after deduction of any movement, towing and storage fees payable under the Act and the reasonable costs of or incidental to the sale.

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

Part 3A Mass, dimension and load requirements for light vehicles and light combinations

Division 1 Preliminary

50A 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 that is used only on a railway or
tramway.

50B Definitions

In this Part:

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

*axle load* means the total load, determined in accordance with clause 50U, transmitted to the road by
all wheels of a vehicle that are mounted on an axle.

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

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

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

*total mass*, in relation to a load-carrying vehicle or combination, means the loaded mass of the
vehicle or combination and, in relation to a non load-carrying vehicle or combination, means the
mass of that vehicle or combination together with:

(a) all the goods, passengers and drivers in or on the vehicle or combination, and

(b) all fuel, water, lubricants and readily removable equipment carried in or on the vehicle or
combination and required for its normal operation, and

(c) personal items used by a driver of the vehicle or combination, and

(d) anything that is normally removed from the vehicle or combination when not in use.

*vehicle* includes the vehicle’s equipment and any substances that the vehicle is carrying that are
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.
50C 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 that contravenes any of the dimension, mass or load restraint requirements imposed by this Part otherwise than in accordance with a permit issued under clause 50N.

Maximum penalty: 30 penalty units.

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

Division 2 Mass limits for certain motor lorries and certain trailers

50D Definitions

In this Division:

existing motor lorry means a motor lorry for which a New South Wales registration was in force on 1 January 1995 (as long as that registration has continued in force from that day without a break, including continuation by renewal or re-issue of the registration).

visiting motor lorry means a vehicle temporarily in New South Wales that is a motor lorry.

50E Application of Division

(1) This Division applies to motor lorries (including articulated vehicles), but does not apply to any of the following:

   (a) a caravan,

   (b) a station wagon,

   (c) a trailer, which weighs not more than 250 kilograms when unladen, that is used principally or solely for carrying camping equipment, a boat or other materials used in connection with tours for recreational purposes and that is not used in the course of trade or business,

   (d) an excavator, road grader, road roller, bulldozer, or other machinery or apparatus, that cannot carry a load (other than any tools, spare parts, fuel, water, oil, or other accessories, used in connection with the vehicle).

(2) Nothing in this Division authorises a person to drive or use a motor lorry, or cause a motor lorry to be driven or used, in contravention of any provision of the Act or the statutory rules.

50F 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 clause if:

   (a) the motor lorry is driven in accordance with the prior written permission of the Authority and any conditions set out in the document containing the permission, and
(b) a copy of that document is carried by the driver of the motor lorry when driving the lorry otherwise than in accordance with subclause (1).

**50G  Mass limits to be marked on motor lorries over 2 tonnes (except trailers)**

(1) A person must not drive a motor lorry on a road unless the lorry is marked in accordance with this clause. However, this clause does not apply to a lorry that has an unladen mass of 2 tonnes or less or that is a trailer.

Maximum penalty: 20 penalty units.

(2) A motor lorry (except a motor lorry to which subclause (3) or (4) applies) is marked in accordance with this clause if:

(a) the word “Tare” or the letter “T”, followed by the unladen mass (in kilograms) of the lorry, is displayed on the right hand side or off-side of the lorry, and

(b) there are displayed immediately under that matter the words “gross vehicle mass” or letters “GVM” (or, in the case of an articulated vehicle, the words “gross combination mass” or letters “GCM”) followed by the mass limit in kilograms that applies to the lorry, and

(c) the displayed matter is displayed in numerals, and block letters, at least 50 millimetres high, and clearly legible at a distance of 5 metres.

(3) An existing motor lorry (except one for which a mass limit has been determined under clause 50J) is marked in accordance with this clause if:

(a) the word “Tare” or the letter “T”, followed by the unladen mass (in kilograms) of the lorry, is displayed on the right hand side or off-side of the lorry, and

(b) the word “Aggregate” or the letter “A” is displayed immediately under that matter, followed by the mass limit in kilograms that applies to the lorry, and

(c) the displayed matter is displayed in numerals, and block letters, at least 50 millimetres high, and clearly legible at a distance of 5 metres.

(4) A visiting motor lorry is marked in accordance with this clause if its tare mass and maximum laden mass are displayed in accordance with the law for the time being in force in the State or Territory where the lorry is registered.

**50H  Mass limits for motor lorries (except existing motor lorries)**

(1) For the purposes of this Division, the mass limit of a motor lorry (except an existing motor lorry) is:

(a) in the case of an articulated vehicle—the GCM of the motor lorry, and

(b) in any other case—the GVM of the motor lorry.

(2) For the purposes of subclause (1), the GCM or GVM of a motor lorry that has not been altered since manufacture is the mass recorded for that type of motor lorry by the Authority as the GCM or GVM, respectively.
(3) However, if the Authority has not recorded a GCM for a type of motor lorry that is an articulated vehicle, but the Authority has recorded a GVM for its type of prime mover as a standard table top motor lorry, for the purposes of subclause (1) the GCM of the articulated vehicle (if unaltered since manufacture) is 1.67 times the GVM recorded for that type of standard table top motor lorry.

(4) In the case of a motor lorry (except an existing motor lorry) that has been altered since manufacture or that has not been altered since manufacture but to which no mass limit applies under subclause (2) or (3), the mass limit of the lorry is that determined under clause 50J (or, in the case of a visiting motor lorry, in accordance with the law for the time being in force in the State or Territory where the lorry is registered).

50I 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, taken as the aggregate weight that was in force for the lorry immediately before 1 January 1995 under Regulation 120A of the Motor Traffic Regulations 1935 (as in force immediately before that date).

(2) However, if since that aggregate weight was determined, the lorry has been altered (whether before, on or after 1 January 1995), the mass limit of the lorry is to be the mass limit determined under clause 50J.

50J Determination of different mass limits

(1) The Authority may determine a mass limit for a motor lorry (except a visiting motor lorry):

(a) if the lorry is not an existing motor lorry and no mass limit applies to the lorry under clause 50H (2) or (3), or

(b) if the lorry is an existing motor lorry and has been altered as referred to in clause 50I (2), or

(c) if the mass limit of the motor lorry applying under an earlier determination under this clause is no longer in accordance with the safe working limits of the motor lorry (for example, if the lorry has been altered since that determination was made), or

(d) on application by the owner of the motor lorry if the Authority is satisfied that the safe loading limits of the motor lorry have been altered.

(2) A determination under this clause must be based on the construction and componentry of the lorry.

(3) The Authority must notify the owner of a motor lorry of any determination made in respect of the lorry or any refusal by the Authority of an application by the owner under subclause (1) (d).

(4) A determination under this clause takes effect when notice of it is served by the Authority on the owner of the motor lorry or from a later date specified in the notice.

50K Authority may require information or certificate

(1) The Authority may, by written notice to the owner of a motor lorry, require the owner to provide the Authority within a period specified in the notice with the information in respect of the motor lorry or its equipment that is specified in the notice.
If the Authority determines a mass limit for a motor lorry under clause 50J, it may require the owner of the lorry to forward to the Authority the certificate of registration of the lorry for endorsement (or cancellation and re-issue) under this clause.

The Authority may endorse on a certificate of registration of a motor lorry (or cancel and re-issue a certificate with) a mass limit determined by the Authority under clause 50J. The Authority is to forward the certificate to the owner once it has so endorsed or re-issued it.

An owner of a motor lorry must not fail to comply with a requirement under this clause without reasonable excuse.

Maximum penalty: 20 penalty units.

**Division 3 Dimension requirements**

**50L 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 that is 9.5 metres or less in length) if the loading or equipment on the vehicle or any trailer drawn by the vehicle:

(i) projects more than 1.2 metres in front of the headlights of the motor vehicle if the motor vehicle is not a mobile crane, or

(ii) projects more than 3.5 metres in front of the steering wheel of the motor vehicle if the motor vehicle is a mobile crane, or

(iii) in the case of a vehicle not exceeding 9.5 metres in length or a trailer, projects more than 1.2 metres to the rear of the motor vehicle or trailer, except as provided by subclause (2), or

(iv) in the case of a vehicle exceeding 9.5 metres in length, projects to the rear of the vehicle beyond a point that is 4 metres from the rear overhang line, or

(v) projects more than 150 millimetres beyond the extreme outer portion of either side of the vehicle or trailer, but nothing in this subparagraph applies to any 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, or

(b) a motor bike without a sidecar attached if any loading or equipment on the motor bike projects more than 150 millimetres in front of the outer extremity of the front wheel or more than 300 millimetres behind the outer extremity of the rear wheel or the loading projects beyond the extreme outer portion of the cycle on either side, or

(c) a motor bike with a sidecar attached if:

(i) any 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) the loading 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 any 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 that exceeds 19 metres in length, or

(f) a motor vehicle and trailer combination that exceeds 19 metres in length.

(2) It is not a contravention of subclause (1) (a) (iii) for any loading or equipment to project more than 1.2 metres to the rear of a motor vehicle or any 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, in either case not less than 300 millimetres square, and the flag or object is kept clearly visible as a warning to persons on the roadway in the near vicinity of 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 affixed 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) not less than two reflectors capable of projecting a red reflection of light from the light of any following vehicle.

(3) For the purpose of subclauses (1) (a) (iii) and (2), equipment includes the pole of a pole-type trailer.

(4) If any portion of the loading or equipment of a motor vehicle or of any trailer drawn by the vehicle projects in a manner so that it would not be readily visible to any person following immediately behind the vehicle, the driver of the vehicle must:

(a) by means of a red flag or other suitable object, in either case not less than 300 millimetres square, mark the end of the loading or equipment so that it may be clearly visible to persons in its vicinity, 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 a lighted lamp or reflectors as referred to in subclause (2) (c).

(5) In this clause:

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.

pole-type trailer means a trailer that:

(a) is attached to a towing vehicle by means of a pole or an attachment fitted to a pole, and
(b) is ordinarily used for transporting loads, such as logs, pipes, structural members or other long objects, that are 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.

**retractable axle** means an axle that can be raised so that the tyres on the axle do not touch the ground.
50M  Exemption by notice in Gazette

(1) The Authority may, by notice published in the Gazette, exempt a person or class of persons from the operation of any of the provisions of clause 50L (1).

(2) The notice must specify:
   (a) the conditions (if any) of the exemption, and
   (b) how long it is to remain in force.

50N  Exemption by permit

(1) The Authority may, on application by a person, issue a permit exempting the person from the operation of any of the provisions of clause 50L (1).

(2) An application for a permit must:
   (a) be in writing and in a form approved by the Authority, and
   (b) be accompanied by the fee specified in Schedule 1.

(3) The permit must set out the conditions (if any) of the exemption.

(4) The Authority may waive or refund payment of all or part of a fee payable under this clause, if the Authority considers it appropriate to do so.

Division 4 Other mass and dimension requirements

50O  Special mass limits

(1) In a special case, or where the provisions of this Part do not apply to a vehicle, a roads authority may fix a maximum axle load, maximum loaded mass or other load limit for the vehicle.

(2) A load or limit must be:
   (a) notified in writing to the owner of the vehicle to which it applies, or
   (b) published in the Gazette or in a local newspaper circulated in the locality to which the limit applies.

(3) A limitation referred to in subclause (2) is taken to be imposed by this Part.

(4) A person must not fail to comply with the terms of a notification issued under this clause.

50P  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 that the vehicle is capable of carrying as stated in the certificate of registration for the vehicle.

Maximum penalty: 20 penalty units.
50Q 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.

50R Load requirements

(1) A load on a vehicle or a trailer must not be placed in a way that makes the vehicle unstable or unsafe.

(2) A load on a vehicle or a trailer must be secured so that 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 clause, it is sufficient for the prosecution to prove that the load on the vehicle was not placed, secured or restrained (as the case requires) in a way that met the performance standards recommended in the Load Restraint Guide for Light Vehicles 2018, published by the National Transport Commission and in force from time to time (the Load Restraint Guide).

Note. The Load Restraint Guide is available on the National Transport Commission’s website (www.ntc.gov.au).

(5) In proceedings for a failure to comply with this clause, 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 subclause (2) proves that the load, or part of the load, had fallen off the vehicle, the burden of proof is on the defendant to show compliance.

50S 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 manner that prevents the driver from having a view of traffic on either side of the vehicle and in all directions in front of the vehicle that enables the driver to drive the vehicle safely, or

(b) if the vehicle is a motor bike that is constructed, equipped or loaded, or if anything is attached to the motor bike, in a manner that prevents the driver from having a view of the approach of any overtaking vehicle, or

(c) if the person is prevented from safely driving or controlling the motor vehicle or any trailer or other vehicle attached to the motor vehicle because of the weight or dimensions of the loading or equipment of the towing vehicle or trailer or other towed vehicle or the manner in which the loading or equipment is placed on or attached to the towing vehicle or trailer or other towed vehicle.

Maximum penalty: 20 penalty units.
Division 5 Checking and measuring procedures

50T 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 (alone or together with any other wheel or wheels forming an axle group of which the wheel the weight of which is being determined forms part) in such a way that the wheel or wheels are weighed together with the portion of the vehicle and load supported by the wheel or wheels.

(2) If the wheel load of a wheel is determined under subclause (1) by weighing the wheel with other wheels, the load of the wheel the load of which is being determined is the mass of all the wheels so weighed divided by the number of wheels so weighed.

(3) In this Division, wheel load means the mass transmitted to the road by a wheel.

50U 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 any 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 that mass.

50V 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 any added load supported by the wheels, may be weighed simultaneously on a weighing device or weighing devices.

50W Weighing devices

If a weighing device being used for the purpose of determining a wheel load, an axle load or a total mass in accordance with this Part shows a mass in excess of the weight for which the weighing device has been verified under the National Measurement Act 1960 of the Commonwealth, the load on the weighing device when so used is, for the purposes of this Part, taken to be the weight for which the weighing device has been so verified.

Division 6 Miscellaneous

50X Keeping documents

(1) The driver of a vehicle or a combination must carry in the driving compartment:
(a) a copy of any notice or permit given under this Part under which the vehicle or the combination is operating, or

(b) an information sheet issued by the Authority setting out the obligations imposed under the notice.

Maximum penalty: 30 penalty units.

(2) Subclause (1) does not apply if the notice or permit states that the subclause does not apply.

(3) In this clause, information sheet means advice published or adopted by the Authority, and available on request from the Authority.

50Y Exemptions in emergencies

(1) In an emergency such as a fire, explosion or natural disaster (including a drought), the Authority may exempt a vehicle or combination, or its driver or owner, from a requirement of this Part 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 such as sewage disposal or 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 the Authority.

(3) The Authority must make a written record of the exemption, and any conditions of the exemption, but may cause it to be communicated orally to the owner or driver.

Part 4 Road transportation

Division 1 Monitoring of heavy vehicles and vehicles carrying dangerous goods

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

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

(a) all classes and descriptions of coaches,

(b) every heavy motor vehicle that is an articulated vehicle or a prime mover.

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

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

(a) officers employed by the Authority as enforcement officers and to whom the Authority has issued a written authorisation for the purposes of this Division,

(b) officers of the Dangerous Goods Branch of the WorkCover Authority who are employed as inspectors of dangerous goods,
(c) authorised officers within the meaning of the Dangerous Goods (Road and Rail Transport) Act 2008.

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

(a) for a prescribed officer employed by the Authority—wearing a uniform of the Authority, or

(b) for a prescribed officer employed by the WorkCover Authority—wearing a reflectorised vest displaying the words “SAFETY OFFICER”, or

(c) for a prescribed officer referred to in subclause (1) (c)—wearing a reflectorised vest displaying the letters “EPA”.

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

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

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

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

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

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

Maximum penalty: 20 penalty units.

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

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

(a) by order published in the Gazette or in a newspaper circulating in New South Wales, or

(b) by notice in writing signed by the Chief Executive of the Authority, or by another person authorised in writing by the Authority, and served on the person who is, or whose vehicle is, to be exempted.

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

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

Division 2 Speed limiters

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

For the purposes of section 161 (1) of the Act, the following vehicles are prescribed as vehicles to which Part 6.2 of the Act applies:
(a) a motor lorry or bus manufactured on or after 1 January 1988 (but not a motor lorry or bus to which Part 9 of Schedule 2 to the *Heavy Vehicle (Vehicle Standards) National Regulation (NSW)* applies), being:

(i) a motor lorry having a GVM exceeding 15 tonnes, or

(ii) a bus used to provide a public passenger service and having a GVM exceeding 14.5 tonnes,

(b) a motor lorry or bus manufactured on or after 1 January 1991, being:

(i) a motor lorry having a GVM exceeding 12 tonnes, or

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

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

(1) For the purposes of Part 6.2 of the Act, the manner of limiting the speed of a vehicle is:

(a) in the case of a vehicle manufactured on or after 1 January 1989—the manner prescribed by the third edition ADR in respect of vehicles of that type, and

(b) in the case of a vehicle to which Part 9 of Schedule 2 to the *Heavy Vehicle (Vehicle Standards) National Regulation (NSW)* applies—the manner prescribed in that Part, and

(c) in any other case—the manner prescribed by an order made by the Authority and published in the Gazette.

(2) The requirements imposed by an order under subclause (1) (c) are not to be more onerous than the requirements of any Vehicle Standards Bulletin issued by the Commonwealth Department of Infrastructure and Transport.

58 Modifications (cf STM Reg, cl 142)

(1) The Authority or a police officer may serve a notice under this clause on the responsible person for a vehicle to which Part 6.2 of the Act applies if the Authority or police officer has reason to believe that the vehicle is capable of being driven at a speed exceeding 105 kilometres per hour.

(2) If:

(a) a driver of any vehicle to which Part 6.2 of the Act applies has been convicted of an offence arising out of a contravention of clause 11 while driving the vehicle and it was found by the court that, at the time of the offence, the driver was driving the vehicle at a speed exceeding 105 kilometres per hour, or

(b) a driver of any vehicle to which Part 6.2 of the Act applies has paid a penalty prescribed for the purposes of section 195 of the Act in respect of an alleged offence so arising and the police officer or authorised officer who issued the relevant penalty notice indicated on the notice that, at the time of the alleged offence, the driver was driving the vehicle at a speed exceeding 105 kilometres per hour, or

(c) a penalty notice enforcement order under the *Fines Act 1996* has been made, or is taken to have been made, against a driver of any vehicle to which Part 6.2 of the Act applies in respect of an alleged offence so arising and the police officer or authorised officer who
issued the relevant penalty notice indicated on the notice that, at the time of the alleged
offence, the driver was driving the vehicle at a speed exceeding 105 kilometres per hour,
the Authority or a police officer may serve a notice under this clause on the person who, at the
time of the offence or alleged offence concerned, was the responsible person for the vehicle.

(3) A notice under this clause may:

(a) require alterations to be made to the vehicle by the responsible person on whom the notice
was served so that the speed at which it is capable of being driven is limited, in the manner
prescribed for the purposes of Part 6.2 of the Act, to not more than 100 kilometres per hour,
and

(b) require the responsible person on whom the notice was served to supply such information
concerning any such alterations made to the vehicle as the notice indicates, and

(c) require the responsible person on whom the notice was served to have the vehicle tested to
determine whether the vehicle’s speed is limited in accordance with Part 6.2 of the Act and
to provide a certificate to that effect in the manner and form specified in the notice.

59 Exemptions (cf STM Reg, cl 143)

(1) The Authority may:

(a) by order published in the Gazette or in a newspaper circulating in New South Wales, or

(b) by notice in writing signed by the Chief Executive of the Authority, or by another person
authorised in writing by the Authority, and served on the person who is, or whose vehicle is,
to be exempted,

exempt persons or vehicles from any specified provision or provisions of this Division.

(2) The exemption may be unconditional or may be conditional on the observance of conditions
specified in the notice of exemption.

(3) If an exemption is conditional on the observance of specified conditions, the exemption ceases to
have effect as soon as there is a failure to observe the conditions.

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

Note. In relation to subclause (1) (a), section 43 (2) of the Interpretation Act 1987 provides that if an Act or
statutory rule confers a power on any person or body to make an order (whether or not the order must be in
writing), the power includes power to amend or repeal any order made in the exercise of that power.
Part 5 Parking schemes

Division 1 Pay parking schemes

Subdivision 1 Metered parking schemes

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

(1) A parking authority may establish and operate metered parking schemes for any road within its area of operations.

(2) For the purposes of any such scheme, a parking authority:

(a) may, in accordance with Authority guidelines, set aside metered parking spaces in any road within its area of operations, and

(b) may fix the fees for the parking of a vehicle in any such space, and

(c) may install parking meters for use in connection with the payment of such fees.

(3) In the case of a council, the fees for parking in metered parking spaces are to be fixed by resolution of the council.

(4) In the case of a declared organisation, the fees for parking in metered parking spaces are to be fixed in accordance with pricing principles set out in Authority guidelines.

(5) Different fees may be fixed for different metered parking spaces and for different days and different times of day.

(6) A parking meter may only be installed at the space to which it applies or, if one parking meter applies to more than one space, in the immediate vicinity of those spaces.

(7) A metered parking scheme must facilitate the payment of fees for parking in cash (notes or coins, or both).

(8) Subject to subclause (7), a metered parking scheme may provide for other methods of payment of fees for parking in accordance with Authority guidelines.

(9) A parking authority may establish and operate on a trial basis, in accordance with the approval of the Authority (and any conditions of that approval), a metered parking scheme that does not facilitate the payment of fees for parking in cash, despite subclause (7). In such a case, the parking scheme may provide for such methods of payment of fees for parking as accord with the approval of the Authority (and any conditions of that approval).

Note. Rules 207–1 and 207–2 of the Road Rules 2014 make provision for parking in metered parking areas. Clause 3 (1) defines a metered parking area and metered parking space to have the same meanings as in rule 207–1.

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

A parking authority may set aside the whole or any part of a road in its area of operations as a metered parking area.
Note. Rules 207–1 and 207–2 of the Road Rules 2014 make provision for parking in metered parking areas. Clause 3 (1) defines a metered parking area and metered parking space to have the same meanings as in rule 207–1.

62 Parking meters (cf STM Reg, cl 99)

(1) The parking meter for a metered parking space must indicate:

(a) the fees (if any) fixed for the space under this Subdivision, and
(b) that the fee may be paid using cash (notes or coins, or both) and the denomination of notes or coins that may be used to pay the fee by that method, and
(c) any other method that may be used to pay the fee for parking, such as the use of a smart card or another device, and how to use that method of payment, and
(d) in the case of a metered parking space for a registration metered parking area—that the registration number of the vehicle must be entered for use of the parking space.

(2) A parking meter must clearly show the status of the metered parking space or spaces that it controls and:

(a) in the case of a multi-space parking meter in an ordinary metered parking area—must identify each metered parking space by its number, or
(b) in the case of a multi-space parking meter in a registration metered parking area—must indicate the registration number of each vehicle parked in a metered parking space controlled by the parking meter.

(3) Subclause (1) (b) does not apply in respect of a parking meter that does not permit payment of the fee in cash (if the meter is used in connection with a scheme operated on a trial basis as referred to in clause 60 (9)).

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

A person must not:

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

Maximum penalty: 20 penalty units.

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

A person must not:

(a) damage a parking meter, or
(b) do anything that interferes with (or is likely to interfere with) the proper working of a parking meter, or
(c) fraudulently operate a parking meter.
Maximum penalty: 20 penalty units.

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

(1) A parking authority may, if it decides that the use of a metered parking space should be temporarily discontinued, close the space.

(2) A metered parking space is closed for the purposes of subclause (1) if a sign displaying words to the effect that the space is temporarily closed is erected in, or in close proximity to, the space.

Note. A driver who parks in a space that is temporarily closed under this clause may commit an offence against rule 207–7 of the Road Rules 2014.

Subdivision 2 Ticket parking schemes

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

(1) A parking authority may, in accordance with Authority guidelines, establish and operate a ticket parking scheme for any road within its area of operations.

(2) For the purposes of any such scheme, a parking authority:

(a) may, in accordance with Authority guidelines, set aside as a ticket parking area the whole or any part of any road within its area of operations, and

(b) may fix the fees for the parking of vehicles in any such area, and

(c) may install devices for use in connection with the payment of such fees.

(3) In the case of a council, the fees for parking in a ticket parking area are to be fixed by resolution of the council.

(4) In the case of a declared organisation, the fees for parking in a ticket parking area are to be fixed in accordance with pricing principles set out in Authority guidelines.

(5) Different fees may be fixed for different ticket parking areas and for different days and different times of day.

(6) A ticket parking scheme must facilitate the payment of fees for parking in cash (notes or coins, or both).

(7) Subject to subclause (6), a ticket parking scheme may provide for other methods of payment of fees for parking in accordance with Authority guidelines.

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

Note. Rules 207–3 and 207–4 of the Road Rules 2014 make provision for parking in ticket parking areas and spaces. Clause 3 (1) defines a ticket parking area and ticket parking space to have the same meanings as in rules 207–3 and 207–4 respectively.
67 Parking ticket machines (cf STM Reg, cl 104)

(1) The parking ticket machine for a ticket parking area must indicate:

(a) the fees (if any) fixed for the area under this Subdivision, and

(b) that the fee may be paid using cash (notes or coins, or both) and the denomination of notes or coins that may be used to pay the fee by that method, and

(c) any other method that may be used to pay the fee for parking, such as the use of a smart card or another device, and how to use that method of payment.

(2) Subclause (1) (b) does not apply in respect of a parking ticket machine that does not permit payment of the fee in cash (if the ticket machine is used in connection with a scheme operated on a trial basis as referred to in clause 66 (8)).

68 Parking tickets (cf STM Reg, cl 105)

(1) The following information must be printed on a parking ticket:

(a) the day of the week,

(b) the date (expressed as the day of the month, the month and the year),

(c) the expiry time (expressed in hours and minutes),

(d) the name of the parking authority by which the ticket is issued,

(e) the ticket parking area code (if applicable),

(f) a serial number,

(g) instructions for use of the ticket.

(2) A parking ticket must be legible and of a size and design that enables it to be easily displayed in or on a vehicle.

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

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

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

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

(a) any article or thing resembling a parking ticket that falsely suggests that the relevant parking fee has been paid, or

(b) any parking ticket that is altered, defaced, mutilated or illegible.

Maximum penalty: 20 penalty units.
71 Misuse of ticket machines (cf STM Reg, cl 103)

A person must not:

(a) insert in a parking ticket machine anything other than cash (notes or coins) or other means of payment, such as a smart card, as specified on the machine, or

(b) deface any parking ticket machine or affix anything (such as advertising matter) to any ticket machine.

Maximum penalty: 20 penalty units.

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

(1) A parking authority may, if it decides that the use of a ticket parking area or ticket parking space should be temporarily discontinued, close the area or space.

(2) A ticket parking area or ticket parking space is closed for the purposes of subclause (1) if a sign displaying words to the effect that the area or space is temporarily closed is erected in, or in close proximity to, the area or space.

Note. A driver who parks in an area or space that is temporarily closed under this clause may commit an offence against rule 207–7 of the Road Rules 2014.

Subdivision 3 Coupon parking schemes

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

(1) A parking authority may, in accordance with Authority guidelines, establish and operate a coupon parking scheme for any road within its area of operations.

(2) For the purposes of any such scheme, a parking authority:

(a) may, in accordance with Authority guidelines, set aside as a coupon parking area the whole or any part of any road within its area of operations, and

(b) may fix the fees for the parking of vehicles in any such area, and

(c) may adopt such means of and schemes for payment of such fees as are approved from time to time by the Authority, and

(d) may install devices for use in connection with the payment of such fees (pay parking devices).

(3) In the case of a council, the fees for parking in a coupon parking area are to be fixed by resolution of the council.

(4) In the case of a declared organisation, the fees for parking in a coupon parking area are to be fixed in accordance with pricing principles set out in Authority guidelines.

(5) Different fees may be fixed for different coupon parking areas and for different days and different times of day.
Note. Rules 207–5 and 207–6 of the Road Rules 2014 make provision for parking in coupon parking areas and spaces. Clause 3 (1) defines a coupon parking area and coupon parking space to have the same meanings as in rules 207–5 and 207–6 respectively.

74 Parking coupons (cf STM Reg, cl 110)

(1) A parking authority may issue pre-paid parking coupons, either time or money based, to be used for coupon parking areas within the parking authority’s area of operations during the controlled parking hours.

(2) The following information must be printed on a parking coupon:

(a) the name of the coupon parking scheme in connection with which the coupon may be used,

(b) the amount of money that has been paid for parking in coupon parking areas to which that scheme applies (in the case of a money based coupon) or the amount of time for which a vehicle may be parked in such an area (in the case of a time based coupon),

(c) a serial number,

(d) instructions for use of the coupon.

(3) A parking coupon must be legible and of a size and design that enables it to be easily displayed in or on a vehicle.

(4) A parking coupon must be so designed or manufactured as to enable a person to indicate on the coupon the date and time on which the coupon is to take effect.

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

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

(2) A money based coupon expires at the end of the period of time for which it is in force, calculated by reference to:

(a) the date and time indicated on the coupon as the date and time on which it took effect, and

(b) the parking fee specified on the coupon as having been pre-paid, and

(c) the relevant parking fee for the coupon parking area in connection with which it is used, as indicated on the coupon parking signs by which the area is designated.

(3) A time based coupon expires at the end of the period of time that it is in force, calculated by reference to:

(a) the date and time indicated on the coupon as the date and time on which it took effect, and

(b) the time specified on the coupon as the time for which the coupon remains in force.

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

A person must not display in or on a vehicle that is parked in a coupon parking area:
(a) any article or thing resembling a parking coupon that falsely suggests that the relevant parking fee has been paid, or

(b) any parking coupon that is altered, defaced, mutilated or illegible.

Maximum penalty: 20 penalty units.

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

(1) A parking authority may, if it decides that the use of a coupon parking area or coupon parking space should be temporarily discontinued, close the area or space.

(2) A coupon parking area or coupon parking space is closed for the purposes of subclause (1) if a sign displaying words to the effect that the area or space is temporarily closed is erected in, or in close proximity to, the area or space.

Note. A driver who parks in an area or space that is temporarily closed under this clause may commit an offence against rule 207–7 of the Road Rules 2014.

Subdivision 4 Phone parking schemes

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

(1) A parking authority may, in accordance with Authority guidelines, establish and operate a phone parking scheme for the whole or any part of any road within its area of operations on which is operating a metered parking scheme, a ticket parking scheme or a coupon parking scheme.

(2) For the purposes of any such phone parking scheme, a parking authority:

(a) may, in accordance with Authority guidelines:

(i) set aside also as a phone parking area, the whole or any part of a metered parking area, a ticket parking area or a coupon parking area, that is within its area of operations, and

(ii) set aside also as a phone parking space, any metered parking space, ticket parking space or coupon parking space, and

(b) may fix the fees for the parking of a vehicle in any pay parking area, and

(c) may adopt such schemes for payment of such fees by mobile phone as are approved from time to time by the Authority.

(3) In the case of a council, the fees for phone parking areas are to be fixed by resolution of the council.

(4) In the case of a declared organisation, the fees for phone parking areas are to be fixed in accordance with pricing principles set out in Authority guidelines.

(5) Different fees may be fixed for different phone parking areas and for different days and different times of day.

Note. Rules 207–8 and 207–9 of the Road Rules 2014 make provision for parking in phone parking areas and spaces. Clause 3 (1) defines a phone parking area and phone parking space to have the same meanings as in rules 207–8 and 207–9, respectively.
79 **Display of information relating to phone parking** (cf STM Reg, cl 111B)

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

(a) a location number and phone number for the phone parking scheme,

(b) such other information as may be set out in the Authority guidelines for the purposes of this clause.

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

A phone parking period takes effect on the date and at the time the parking period is initiated by mobile phone in accordance with the protocols of the provider of the phone payment scheme and expires when the session is ended in accordance with those protocols.

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

(1) A parking authority may, if it decides that the use of a phone parking area or phone parking space should be temporarily discontinued, close the area or the space.

(2) A phone parking area or phone parking space is closed for the purposes of subclause (1) if a sign displaying words to the effect that the area or space is temporarily closed is erected in, or in close proximity to, the area or space.

**Note.** A driver who parks in an area or space that is temporarily closed under this clause may commit an offence against rule 207–7 of the *Road Rules 2014*.

**Subdivision 5 Miscellaneous**

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

(1) A council may, in accordance with Authority guidelines, agree with one or more other councils concerning the operation of ticket parking schemes, phone parking schemes or coupon parking schemes on a common payment basis.

(2) The councils must, by resolution, fix fees on a common basis that are to be charged for parking in the ticket parking areas, phone parking areas or coupon parking areas covered by the agreement.

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

(1) The Authority may, by order in writing, establish guidelines for the purposes of this Division.

(2) To the extent that a provision of this Regulation requires a parking authority to comply with an Authority guideline or approval given under clause 60, 66, 73 or 78, the parking authority is not entitled to provide or charge for parking in a metered space, a phone parking area, a ticket parking area or a coupon parking area if it fails to comply with the guideline or approval.

(3) For the purposes of this clause, a parking authority is taken to have complied with an Authority guideline or approval until the contrary is proved.
84 Other powers to provide pay parking (cf STM Reg, cl 114)

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

(2) A parking authority may exercise any power under this Division in relation to land that it does not own, but only with the consent of the owner of the land.

(3) Such consent may be given subject to terms and conditions, including terms in relation to the duration and revocation of that consent.

(4) Subject to any such terms, such consent may be revoked only after the giving of reasonable notice.

85 Overlapping schemes (cf STM Reg, cl 115)

(1) Nothing in this Division prevents a parking authority from establishing and operating a pay parking scheme on any part of a road on which it is operating any other pay parking scheme.

(2) The parking authority may not recover the fee fixed in respect of any vehicle parking in a metered space, a ticket parking area, a phone parking area or a coupon parking area if any other applicable parking fee has been paid.

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

(1) The costs of administering a pay parking scheme operated by a parking authority under this Division are to be borne by the parking authority.

(2) Those costs are taken to include the following:

(a) the cost of providing, controlling, maintaining and regulating metered spaces, and the parking meters installed in respect of those spaces,

(b) the cost of providing, controlling, maintaining and regulating pay parking,

(c) the cost of providing and maintaining signs or other devices and marking lines:
   (i) to indicate the position of pay parking areas and pay parking spaces, or
   (ii) to indicate the places in any road within the area of operations of the parking authority concerned where a vehicle (other than a public vehicle) may park.

(3) All fees that a parking authority collects in respect of the operation of pay parking belong to the parking authority, subject to clause 82.

(4) Any surplus arising from the operation of pay parking may be applied at the discretion of the parking authority.

(5) A parking authority must pay to the Authority such amount as is agreed on between the Authority and the parking authority in respect of the costs referred to in subclause (2) (c).
87 Disputes (cf STM Reg, cl 117)

(1) Any dispute arising under this Division between a parking authority and the Authority is to be resolved by consultation between the Minister responsible for the parking authority and the Minister administering the Act or, if agreement cannot be reached, by the Premier.

(2) Any dispute arising under this Division between 2 or more parking authorities is to be resolved:

(a) if the same Minister is responsible for each of those authorities, by that Minister, and

(b) in any other case, by consultation between the various Ministers responsible for those authorities or, if agreement cannot be reached, by the Premier.

(3) In this clause, a reference to the Minister responsible for a parking authority is a reference to:

(a) in the case of a council, the Minister administering the Local Government Act 1993, and

(b) in the case of a declared organisation that is constituted by or under an Act, the Minister administering that Act, and

(c) in the case of a Government Department, the Minister responsible for that Department.

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

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

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

(1) A police officer may, during a temporary obstruction or danger to traffic or in an emergency:

(a) direct a person not to cause or permit any vehicle to park in any part of a pay parking area, or

(b) direct the responsible person for or driver of a vehicle parking in any part of a pay parking area to remove the vehicle from that part or (if no person appears to be in charge of the vehicle) to remove the vehicle from that part.

(2) A person must not, without reasonable excuse, fail to comply with a direction under this clause.

Maximum penalty: 20 penalty units.

Division 2 Other parking schemes

Subdivision 1 Ticket-operated loading schemes

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

(1) The Authority may establish and operate a ticket-operated loading scheme for any road.

(2) For the purposes of any such scheme, the Authority:

(a) may set aside as a ticket-operated loading zone the whole or any part of any road, and

(b) may install loading zone ticket machines for use in connection with the scheme.
Rule 179–1 of the Road Rules 2014 makes provision for parking in ticket-operated loading zones. Clause 3 (1) defines a ticket-operated loading zone to have the same meaning as in that rule.

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

(1) The following information must be printed on a loading zone ticket:
   
   (a) the name of the Authority as the body by or on whose behalf the ticket is issued,
   
   (b) a serial number,
   
   (c) instructions for use of the ticket,
   
   (d) the day of the week on which the ticket is issued,
   
   (e) the date (expressed as the day of the month, the month and the year) on which the ticket is issued,
   
   (f) the different expiry times for heavy goods vehicles and light goods vehicles.

(2) A loading zone ticket must be legible and of a size and design that enables it to be easily displayed in or on a goods vehicle.

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

(1) Tickets issued by a loading zone ticket machine are to be free of charge.

(2) A loading zone ticket is to differentiate between heavy goods vehicles and light goods vehicles by specifying an expiry time that:

   (a) in relation to a heavy goods vehicle, is 30 minutes after the time of its issue, and
   
   (b) in relation to a light goods vehicle, is 15 minutes after the time of its issue.

(3) A person must not:

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

   Maximum penalty: 20 penalty units.

(4) A person must not display in or on a goods vehicle that is parked in a ticket-operated loading zone:

   (a) any article or thing resembling a loading zone ticket that falsely suggests that the goods vehicle is parked lawfully in the zone, or
   
   (b) any loading zone ticket that is altered, defaced, mutilated or illegible.
Maximum penalty: 20 penalty units.

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

(1) The Authority may, if it decides that the use of a ticket-operated loading zone should be temporarily discontinued, close the zone.

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

Subdivision 2 Special event parking schemes

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

(1) The Authority may establish and operate a special event parking scheme for any road.

(2) For the purposes of any such scheme, the Authority may set aside as a special event parking area the whole or any part of any road.

Note. Rule 205A–1 of the Road Rules 2014 makes provision for parking in special event parking areas. Clause 3 (1) defines a special event parking area to have the same meaning as in that rule.

Part 6 Parking permits and mobility parking scheme authorities

Division 1 Parking permits

95 Parking permits (cf STM Reg, cl 124)

(1) A parking authority may issue a permit authorising the parking of a vehicle without charge or time restrictions in a parking space:

(a) located within a parking area or road specified in the permit, and

(b) designated by the parking authority for use by holders of such a permit.

(2) The parking authority is to classify the permit in one of the following classes:

(a) business parking permits,

(b) commuter parking permits,

(c) resident parking permits,

(d) resident’s visitor parking permits,

(e) special event parking permits,

(f) declared organisation parking permits.

(3) A parking authority may issue a permit under this clause in electronic or printed form.

(4) A permit must specify the parking area or road to which it applies, the conditions to which it is subject and:
(a) in the case of a resident’s visitor parking permit that is a printed parking permit—the address of the resident who holds the permit, or

(b) in the case of any other permit—the registration number of the vehicle to which it relates.

(5) The Authority may issue guidelines from time to time for or with respect to the issuing of printed parking permits and electronic parking permits.

(6) A parking authority must not issue a permit except in accordance with the guidelines issued by the Authority.

(7) For the purposes of this clause, a parking space is designated for use by a holder of a permit if the following words are displayed on, or next to, a traffic sign that designates the space as a parking space or designates the area in which the parking space is located as a parking area:

(a) for a declared organisation, business, commuter or special event parking permit, the words “PERMIT HOLDERS EXCEPTED”,

(b) for a resident or resident’s visitor parking permit, the words “PERMIT HOLDERS EXCEPTED” or “AUTHORISED RESIDENTS VEHICLES EXCEPTED”.

(8) In this clause:

**electronic parking permit** means a permit issued under this clause that is in electronic form.

**parking area** means a pay parking area, permissive parking area or special event parking area.

**parking space** means any of the following:

(a) coupon parking space,

(b) permissive parking space,

(c) metered parking space,

(d) ticket parking space,

(e) phone parking space.

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

**permissive parking space** means a parking bay that is indicated by studs, pads, plates or strips.

**printed parking permit** means a permit that is issued under this clause that is in printed form.

**Division 2 Mobility parking scheme authorities**

**Subdivision 1 Interpretation**

96 **Definitions** (cf STM Reg, cl 125)

In this Division:

**holder** of a scheme authority, or an expired or revoked scheme authority, means the person or organisation to whom or to which the scheme authority has been or was issued.
interstate or overseas authority means a document issued by an authority of another jurisdiction, or of a foreign country, to indicate:

(a) that a specified person is a disabled person who has the benefit of parking concessions in that jurisdiction or country, or

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

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

organisation means a corporation or an unincorporated association of persons.

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

Subdivision 2 Issue of scheme authorities

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

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

(a) for use by a disabled person, or

(b) for use by an organisation in connection with the conveyance of disabled persons.

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

(1) A scheme authority must show:

(a) a unique identifying number that has been allocated by the Authority, and

(b) the full name of the holder of the scheme authority, and

(c) the category of scheme authority issued, and

(d) the expiry date of the scheme authority.

(2) A scheme authority may also show any of the following:

(a) a photograph of the individual to whom it has been issued,

(b) the date of birth of the individual to whom it has been issued,

(c) the home, business or other address for service of the holder of the scheme authority,

(d) the signature (or a reproduction of the signature) of an individual to whom it has been issued,

(e) any other information that the Authority considers appropriate.

(3) A scheme authority may be categorised and colour coded as follows:

individual authority for disabled person—blue
99 **Conditions of scheme authorities** (cf STM Reg, cl 126B)

(1) A scheme authority is subject to the following conditions:

(a) the scheme authority must only be used in connection with the conveyance of the holder of the scheme authority, or in the case of a scheme authority issued to an organisation, in connection with the conveyance of disabled persons by or on behalf of that organisation,

(b) when in use, the whole of the side of the scheme authority marked “THIS SIDE UP” must be clearly displayed at the left of the vehicle’s windscreen, or on any window on the left hand (passenger) side of the vehicle, or if this is not practicable, in another part of the windscreen or other window of the vehicle,

(c) a scheme authority must not be used if it has been defaced or otherwise altered or where any of the personal or organisational details on the scheme authority are illegible.

(2) A scheme authority is also subject to such other conditions as may be imposed on the holder of the scheme authority by the Authority.

(3) A condition imposed by the Authority on a scheme authority under subclause (2) does not have effect until written notice of the condition is given to the holder of the scheme authority.

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

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

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

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

(1) The applicant for a scheme authority must be:

(a) in the case of an application for a scheme authority for an individual—the individual or a person that the Authority is satisfied acts on behalf of the individual, or

(b) in the case of an application for a scheme authority for an organisation—an individual authorised in writing by the organisation (or the governing body of the organisation) to apply for the scheme authority on its behalf.

(2) An applicant for the issue of a scheme authority must give the Authority:

(a) a completed application form in the form approved by the Authority, and

(b) particulars necessary to identify the applicant and the applicant’s home or business address, including any evidence that the Authority may reasonably require to verify those particulars (for example, evidence of the person’s address on the electoral roll), and

(c) where the applicant is making the application on behalf of an individual or organisation:
(i) such documents or other evidence of the applicant’s authority to make the application as is specified by the application form or otherwise required by the Authority, and

(ii) particulars necessary to identify the individual or organisation on behalf of whom or which the application is made and the individual’s or organisation’s home, business or other address for service, including any evidence that the Authority may reasonably require to verify those particulars (for example, evidence of the individual’s address on the electoral roll), and

(d) any documents or other evidence (including medical certificates) specified by the application form, and

(e) the fee (if any) fixed under clause 102 for the category of scheme authority sought.

(3) The Authority may, in the case of an application for a scheme authority for an individual, require the applicant to provide, in such a form as may be specified by the Authority, evidence that satisfies the Authority that the individual is a disabled person.

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

(1) The Authority may, by order published in the Gazette, fix fees, or amend or revoke fees, for services provided by the Authority in connection with the issue of scheme authorities.

(2) Without limiting subclause (1):

(a) different fees may be fixed for different categories of authorities, and

(b) different fees may be fixed for different categories of applicants.

(3) In fixing any fee under subclause (1), the Authority must have regard to the following matters:

(a) the costs (or estimated costs) associated with the establishment and administration of the mobility parking scheme over such period as the Authority may determine (the specified administration period),

(b) the actual or estimated number of applicants for scheme authorities and participants in the mobility parking scheme during the specified administration period,

(c) any increases in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

(4) The Authority may in a particular case waive the requirement for a fee or reduce a fee.

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

(1) If an applicant for a scheme authority holds a current scheme authority or possesses an expired scheme authority, the applicant must surrender that authority to the Authority before the issue of a new scheme authority.

(2) Despite subclause (1), the Authority may exempt a person from surrendering a current or expired scheme authority if the Authority is satisfied that it would be unreasonable, in the circumstances, to require that authority to be surrendered.
104 Information about eligibility for and use of scheme authority (cf STM Reg, cl 126FA)

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

(a) that the scheme authority has not been misused in the manner or circumstances described in the notice,

(b) if the holder is an individual, that the individual is a disabled person.

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

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

(a) to be examined by a specified medical practitioner or a medical practitioner belonging to a specified class of medical practitioners, and

(b) to authorise any such medical practitioner to provide the Authority with such information as the Authority may require in relation to the individual’s disability.

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

(1) The Authority may collect, retain, use and disclose any information provided under this Subdivision for the purposes of carrying out its functions under this Division, or for the prosecution of an offence against this Division.

(2) Despite subclause (1), evidence provided under clause 104 (a) may not be used to prosecute a person who provides the evidence for an offence other than an offence in respect of the falsity of the evidence.

Subdivision 4 Photographs

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

(1) The Authority may (but need not) require an applicant for a scheme authority to have his or her photograph taken.

(2) However, the Authority must not require an applicant for a scheme authority to have his or her photograph taken if the Authority is satisfied:

(a) the applicant is under 16 years of age, or

(b) the applicant suffers from a significant facial disfigurement, or

(c) the applicant cannot attend a registry to be photographed because of the severity of the applicant’s disabilities.

(3) For the purposes of making a determination under subclause (2) (b) or (c), the Authority may require the applicant to provide supporting documentation from a medical practitioner.
108  **Purposes for which photographs may be kept and used** (cf STM Reg, cl 126H)

(1) A photograph of a person taken for the purposes of this Division may be kept and used by the Authority only for one or more of the following purposes:

(a) to reproduce the likeness of the person on a scheme authority,

(b) to assist in determining the identity of the person in connection with an application for a new scheme authority,

(c) for the purpose of investigating the commission of, or conducting criminal proceedings for, an offence concerning parking or a scheme authority,

(d) any purpose for which a photograph to which Part 3.5 (Protection of stored photographs) of the Act applies may be kept and used by the Authority under that Part,

(e) any purpose for which a photograph to which Part 4 (Security arrangements for photographs) of the *Photo Card Act 2005* applies may be kept and used by the Authority under that Part.

(2) A photograph may be used for a purpose set out in this clause at the time that the photograph is provided or taken or at any later time.

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

(1) The Authority must ensure that a photograph taken for the purposes of this Division, and any photographic image or other matter contained in any database of such photographs, is not released except:

(a) to the NSW Police Force, or

(b) to an authority of another jurisdiction or a foreign country that has responsibility for issuing interstate or overseas authorities or for the enforcement of parking offences, or

(c) for the purpose of the conduct of any criminal proceedings for an offence concerning parking or a scheme authority, or

(d) to the Sheriff, for the purpose of any fine recovery proceedings, or

(d1) for any purpose for which a photograph to which Part 3.5 (Protection of stored photographs) of the Act applies may be released by the Authority under that Part, or

**Note.** A photograph to which Part 3.5 of the Act applies may be released:

(a) for a purpose specified in section 57 (1) of the Act, or

(b) for a purpose specified in clause 109 of the *Road Transport (Driver Licensing) Regulation 2017.*

(e) as provided under any other law, or

(f) to the person whose likeness is shown in the photograph or on the database.

(2) Any release authorised by subclause (1) (a)–(d1) must be in accordance with any protocol approved by the Privacy Commissioner.
Subdivision 5 Use of scheme authorities

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

Rule 206 of the Road Rules 2014 extends the period during which a vehicle displaying a scheme authority may be parked on a road, or in an area, to which a permissive parking sign applies when the vehicle is being used for:

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

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

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

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

Maximum penalty: 20 penalty units.

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

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

Maximum penalty: 20 penalty units.

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

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

Maximum penalty: 20 penalty units.

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

(1) An authorised officer may direct the person in charge of a vehicle that is displaying a scheme authority or an interstate or overseas authority (or a document or other thing that purports to be such an authority) to remove the authority, document or thing from the vehicle and give it to the officer if:

(a) the vehicle is stopped in a parking area for people with disabilities (within the meaning of rule 203 of the Road Rules 2014), or

(b) the vehicle is parked contrary to a permissive parking sign.
(2) An authorised officer to whom a scheme authority is given may do any one or more of the following:

(a) inspect the scheme authority,

(b) request and inspect the identification of the person in charge of the vehicle for the purpose of confirming that person’s identity,

(c) if the authorised officer has reasonable grounds to suspect that the scheme authority:

(i) is not being used by the holder of the scheme authority, or

(ii) is being used contrary to the conditions of the scheme authority, or

(iii) has expired,

confiscate the scheme authority.

(3) If a scheme authority is confiscated under this clause, the Authority must determine whether to revoke the scheme authority in accordance with clause 116.

(4) A person to whom a direction is given under subclause (1) must immediately comply with that direction.

Maximum penalty: 20 penalty units.

(5) In this clause, authorised officer means:

(a) a police officer, or

(b) an authorised officer within the meaning of Division 2 of Part 7 (other than an officer referred to in Schedule 4 as a Class 3 officer or a Class 4 officer).

Subdivision 6 Expiry and revocation of scheme authorities

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

(1) A scheme authority expires at the end of the day that is specified on the scheme authority as the expiry date for the authority.

(2) The Authority may, by written notice given to the holder of an expired scheme authority, require the holder of the expired scheme authority to return it to the Authority.

Note. Section 276 of the Act makes provision for how notices to individuals and corporations under this Regulation may be given or served by the Authority. Clause 8 makes provision for how notices to unincorporated associations for the purposes of this Division may be given or served by the Authority.

(3) If a notice referred to in subclause (2) is given in relation to an expired scheme authority:

(a) where the holder of the expired scheme authority is an individual or an organisation that is incorporated—the individual or organisation must immediately return it to the Authority as soon as is reasonably practicable after receiving the notice, or

(b) where the holder of the expired scheme authority is an organisation that is unincorporated—the person in possession of the expired authority must immediately return
it to the Authority as soon as is reasonably practicable after becoming aware that the notice has been given.

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

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

(1) The Authority may at any time revoke a scheme authority:

(a) for a failure to comply with the conditions of the scheme authority, or

(b) for any other misuse of the scheme authority, or

(c) for a failure by the holder of the scheme authority to comply with a requirement of the Authority under clause 104 or 105, or

(d) for any other reason.

(2) If the Authority decides to revoke a scheme authority, the Authority must give the holder of the scheme authority written notice of:

(a) the reasons for the proposed revocation, and

(b) the action (if any) that must be taken by the holder of the scheme authority in order to avoid or reverse the revocation, and

(c) the right of the holder to appeal to the Local Court against the decision to revoke the scheme authority, and

Note. See Part 7.8 of the Act and clause 130 with respect to appeals to the Local Court against revocations of scheme authorities.

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

Note. Section 276 of the Act makes provision for how notices to individuals and corporations under this Regulation may be given or served by the Authority. Clause 8 makes provision for how notices to unincorporated associations for the purposes of this Division may be given or served by the Authority.

(3) A notice under subclause (2) must also state that the holder of the scheme authority will no longer be authorised to use the scheme authority on its revocation.

(4) A scheme authority is revoked in accordance with the terms of a notice given under this clause unless the Authority, by further written notice to the holder of the scheme authority, withdraws the notice.

(5) The Authority may decide to revoke a scheme authority without the holder of the scheme authority having been provided with an opportunity to show cause why the scheme authority should not be revoked.

(6) If a scheme authority is revoked:

(a) where the holder of the revoked scheme authority is an individual or an organisation that is incorporated—the individual or organisation must return it to the Authority as soon as is reasonably practicable after the revocation, or
(b) where the holder of the revoked scheme authority is an organisation that is unincorporated—the person in possession of the scheme authority must return it to the Authority as soon as is reasonably practicable after becoming aware of the revocation.

Maximum penalty: 20 penalty units.

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

Part 7 Compliance and enforcement

Division 1 Criminal responsibility

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

(1) Application of Commonwealth Criminal Code

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

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

(2) Offences are strict liability offences

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

(3) General defence of accident or reasonable effort

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

(a) was the result of an accident, or

(b) could not have been avoided by any reasonable efforts on the person’s part.

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

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

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

119 No double jeopardy for offence against this Regulation and the *Road Rules 2014* (cf STM Reg, cl 153B)

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

(1) It is a prescribed ground of exculpation for the purposes of section 129 (2) of the Act in relation to a driver of a heavy vehicle (the *driver concerned*) involved in a speeding offence if:

(a) any other driver of the heavy vehicle:

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

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

(b) the driver concerned gives the Commissioner of Fines Administration a statutory declaration made by the driver that states that the driver obeyed all of the speed limits that applied to the driver while he or she was the driver of the vehicle.

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

Division 2 Penalty notice offences

Definitions (cf Gen Reg, cl 168)

(1) In this Division and Schedule 5:

*authorised officer* means an officer of a class referred to in Schedule 4, being a person who satisfies the criteria specified in that Schedule in respect of an officer of that class.

*average speed detection zone* means a length of road to which an average speed detection zone sign applies, being a length of road beginning at an average speed detection zone sign and ending 300 metres along the length of road in the direction driven by a driver on the road who faces the sign before passing it.

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

*class A motor vehicle* means:

(a) a motor vehicle with a GVM not exceeding 4.5 tonnes, or

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

*class B motor vehicle* means:

(a) a motor vehicle with a GVM exceeding 4.5 tonnes but not exceeding 12 tonnes, or

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

*class C motor vehicle* means:
(a) a motor vehicle with a GVM exceeding 12 tonnes, or
(b) a motor vehicle and trailer combination with a GCM exceeding 12 tonnes.

**heavy motor vehicle** means:
(a) a motor vehicle with a GVM exceeding 13.9 tonnes, or
(b) a motor vehicle and trailer combination with a GCM exceeding 13.9 tonnes.

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

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

(2) The persons referred to in Schedule 4 are prescribed as authorised officers for the purposes of paragraph (c) of the definition of **authorised officer** in section 4 (1) of the Act, but only in relation to the functions conferred on authorised officers by section 195 of the Act.

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

### 122 Penalty notice offences

(1) For the purposes of section 195 of the Act:
(a) each offence specified in Column 1 of Schedule 5 is an offence for which a penalty notice may be issued, and
(b) an authorised officer may issue a penalty notice for the offence only if the authorised officer is a police officer or is of a class specified in relation to the offence in Column 2 of Schedule 5, and

**Note.** See also clause 122A.

(c) the amount payable under any such penalty notice is the amount specified in relation to the offence in Column 3 of Schedule 5.

**Note.** See also clauses 123A and 123B.

(2) If the reference to a provision in Column 1 of Schedule 5 is qualified by words that restrict its operation to specified kinds of offences or to offences committed in specified circumstances, a penalty notice may only be issued for the offence if it is an offence of a kind so specified or is committed in the circumstances so specified.

### 122A Authorised officers of councils and declared organisations

(1) In addition to clause 122 (1) (b):
(a) an authorised officer who is an officer or employee of a council may exercise the functions of an authorised officer only within the local government area of that council, and
(b) an authorised officer who is an officer or employee of a declared organisation may exercise the functions of an authorised officer only within the area of operations of that organisation.

(2) Subclause (1) does not prevent an authorised officer who is an officer or employee of a council or declared organisation from exercising the functions of an authorised officer:

(a) in the local government area of some other council, or

(b) in the area of operations of some other declared organisation,

under an arrangement entered into between the bodies concerned in relation to the exercise of those functions within those areas.

123 Penalty levels

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

Level 1 means a penalty of $76.

Level 2 means a penalty of $114.

Level 2A means a penalty of $121.

Level 3 means a penalty of $191.

Level 3A means a penalty of $200.

Level 4 means a penalty of $268.

Level 4A means a penalty of $280.

Level 5 means a penalty of $344.

Level 5A means a penalty of $360.

Level 6 means a penalty of $457.

Level 6A means a penalty of $481.

Level 7 means a penalty of $572.

Level 7A means a penalty of $599.

Level 8 means a penalty of $686.

Level 8A means a penalty of $721.

Level 9 means a penalty of $877.

Level 9A means a penalty of $920.

Level 10 means a penalty of $1,106.

Level 10A means a penalty of $1,161.
**Level 11** means a penalty of $1,372.

**Level 11A** means a penalty of $1,441.

**Level 12** means a penalty of $1,449.

**Level 12A** means a penalty of $1,522.

**Level 13** means a penalty of $1,791.

**Level 14** means a penalty of $2,364.

**Level 14A** means a penalty of $2,482.

**Level 15** means a penalty of $2,518.

**Level 15A** means a penalty of $2,635.

**Level 16** means a penalty of $3,584.

**Level 16A** means a penalty of $3,762.

**Level 17** means a penalty of $3,887.

**Level 17A** means a penalty of $3,895.

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

123A **Penalty levels for certain camera recorded offences**

Despite clause 122 (1) (c), the amount of the prescribed penalty for a camera recorded offence of a kind referred to in section 184 (2) of the Act of which a corporation is taken to be guilty under section 184 (1) of the Act is 5 times the amount specified in Schedule 5 as the penalty amount for the offence unless a lesser amount is specified in that Schedule for the offence when it is committed by a corporation.

123B **Lower penalty levels for certain parking offences dealt with by penalty notice**

(1) The amount payable under a penalty notice for a relevant parking offence is $82 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 Column 2 of Schedule 5 (except a Class 12 officer or a university parking officer), or

(c) a Class 12 officer appointed by a council that is listed in Part 1 of Schedule 5A, or

(d) a Class 12 officer exercising functions in the local government area of a council that is listed in Part 1 of Schedule 5A, in accordance with an arrangement referred to in clause 122A (2), 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 that is listed in Part 2 of Schedule 5A.
(2) The Minister must not recommend the making of a regulation that amends Schedule 5A to include the name of a council or a university unless the Treasurer has advised the Minister that the council or university concerned has notified the Treasurer in writing that it has resolved to opt in to the lower penalty prescribed by this clause.

(3) This clause applies despite clause 122 (1) (c).

(4) In this clause:

- **designated university parking offence** means an offence that is created by rule 168–1, 179–1, 207–1, 207–2, 207–3, 207–4, 207–5, 207–6, 207–7, 207–8 or 207–9 of the *Road Rules 2014*

- **relevant parking offence** means an offence that is created by any of the following provisions:
  - (a) section 650 (1) (in relation to a notice or sign referred to in section 650 (2) (a) or (b)), (4) or (5) of the *Local Government Act 1993*,
  - (b) section 650A (1) (in relation to a notice or sign referred to in section 650A (2) (a) or (b)), (4) or (5) of the *Local Government Act 1993*,
  - (c) rule 168–1, 179–1, 184 (1) (other than in relation to a minibus zone in a clearway, transit lane or bus lane), 205, 207–1, 207–2, 207–3, 207–4, 207–5, 207–6, 207–7, 207–8, 207–9, 210 or 211 of the *Road Rules 2014*.

- **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.

### 123C Grace period for certain parking offences

(1) A penalty notice is not to be issued for a designated parking offence allegedly committed during the grace period for the offence but only 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 that entitled the vehicle to be parked in that location, and
- (c) the offence did not occur in a shared zone within the meaning of the *Road Rules 2014*.

(2) This clause does not prevent the issue of a penalty notice for an offence under rule 154, 156, 167, 176, 179, 183, 186 or 205A–1 of the *Road Rules 2014* 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 any of those rules from parking on the length of road, or in the area, during that time.

(3) This clause does not apply to a penalty notice issued before 31 January 2019.
designated parking offence means an offence under any of the following provisions of the Road Rules 2014:
(a) rule 207–3 (4),
(b) rule 207–3 (5),
(c) rule 207–5 (5),
(d) rule 207–5 (6).

grace period for a designated parking offence means the 10 minutes following the expiry of the time that a driver may allow the driver’s vehicle to remain parked without committing the designated parking offence.

prescribed parking control sign means any of the following:
(a) a bus lane sign as referred to in rule 154 of the Road Rules 2014,
(b) a transit lane sign as referred to in rule 156 of the Road Rules 2014,
(c) a no stopping sign as referred to in rule 167 of the Road Rules 2014,
(d) a clearway sign as referred to in rule 176 of the Road Rules 2014,
(e) a loading zone sign as referred to in rule 179 of the Road Rules 2014,
(f) a bus zone sign as referred to in rule 183 of the Road Rules 2014,
(g) a mail zone sign as referred to in rule 186 of the Road Rules 2014,
(h) a special event parking area sign as referred to in rule 205A–1 of the Road Rules 2014.

124 Offence—unlawful destruction of penalty notices (cf Gen Reg, cl 171)
A person must not, without lawful excuse, remove or deface, destroy or otherwise damage any penalty notice left on or attached to a motor vehicle or trailer under Division 3 of Part 7.3 of the Act.

Maximum penalty: 20 penalty units.

Part 8 Appeals

Division 1 Preliminary

125 Definitions (cf Gen Reg, cl 11)
In this Part:

examiner’s authority has the same meaning as in the Road Transport (Vehicle Registration) Regulation 2017.

proprietor’s authority has the same meaning as in the Road Transport (Vehicle Registration) Regulation 2017.
Division 2 Additional appealable decisions

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

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

(a) a decision of the Authority not to take into account, under clause 52 (3) of the *Road Transport (Driver Licensing) Regulation 2017*, some or all of the period that a person has held a licence to drive a motor vehicle in another jurisdiction or another country,

(b) a decision of the Authority to vary a person’s driver licence under clause 57, 65 or 66 of the *Road Transport (Driver Licensing) Regulation 2017*,

(c) a decision of the Authority to suspend or cancel a person’s driver licence under clause 24, 30, 65 or 66 of the *Road Transport (Driver Licensing) Regulation 2017*,

(d) a decision of the Authority, based on an opinion formed by the Authority under clause 96 (4) (g), (h), (i) or (o) of the *Road Transport (Driver Licensing) Regulation 2017*, that a person has ceased to be exempt from the requirements of the driver licensing law,

(e) a decision of the Authority to revoke an approval (within the meaning of Part 11 (Interlock driver licences and devices) of the *Road Transport (Driver Licensing) Regulation 2017*) of a person.

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

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

(a) a decision of the Authority under the *Road Transport (Vehicle Registration) Regulation 2017* to refuse to issue an examiner’s authority or a proprietor’s authority to a person or to suspend or cancel such an authority of a person (being a decision notified to the person under clause 64 of that Regulation),

(b) a decision of the Authority to suspend the operation of clause 9 or 11 of Schedule 1 to the *Road Transport (Vehicle Registration) Regulation 2017* in relation to a registrable vehicle,

(c) any of the following decisions of the Authority under Part 6 of the *Road Transport (Vehicle Registration) Regulation 2017*:

(i) a decision to cancel a compliance certificate,

(ii) a decision to refuse an application for a certifier’s licence or for the renewal or variation of a certifier’s licence (but not a decision to refuse an application for a licence on the ground that the Authority is of the opinion that the person is not a fit and proper person to hold such a licence),

(iii) a decision to cancel or suspend a certifier’s licence or vary a certifier’s licence or the term of a certifier’s licence (but not a decision to impose or vary a condition on all certifier’s licences or a decision under clause 92 of that Regulation to immediately suspend a certifier’s licence).

(d) (Repealed)
128, 129  (Repealed)

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

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

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

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

(a) a decision of the Authority made on the basis of the ground referred to in clause 56 (2) (d) or (e) of the Road Transport (Driver Licensing) Regulation 2017,

(b) a decision of the Authority to cancel a person’s interlock driver licence under the Road Transport (Driver Licensing) Regulation 2017,

(c) a decision of the Authority to suspend a person’s driver licence under section 43A (7) of the Act.

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

132  Definition

In this Division:

affected driver means any of the following:

(a) an applicant for a driver licence,

(b) the holder of an Australian driver licence,

(c) the holder of a foreign driver licence (within the meaning of Part 5.1 of the Act).

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

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

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

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

(2) Within 14 days after receiving an application under this clause, the Authority must provide to the applicant:

(a) a written statement of the decision and written reasons for the decision, and
(b) information as to the identity or position in the Authority of the person who made the decision.

(3) An application for reasons may be made before or during the period in which an affected driver may lodge a notice of appeal under section 267 of the Act.

(4) An affected person cannot make an application under this clause if the Authority has already provided the person with the details referred to in subclause (2).

**Division 4 Stays and adjournments**

**135 Certain decisions stayed pending appeal** (cf Gen Reg, cl 21 and 24)

(1) A relevant decision for the purposes of this clause is any of the following kinds of decision:

(a) (Repealed)

(b) a decision of the Authority to suspend, vary or cancel a driver licence under the Act (other than a decision referred to in clause 135A) on any ground other than medical unfitness or incompetence to drive a motor vehicle,

(c) a decision of the Authority that an exemption under the Act from a requirement to hold a driver licence no longer applies to a person (other than a decision referred to in clause 135A),

(d) a decision of the Authority of the kind referred to in clause 127 (c),

(e) a decision of the Authority to suspend or cancel an examiner’s authority or proprietor’s authority,

(f) (Repealed)

(g) a decision of the Authority to suspend the registration of a motor vehicle under clause 45 (2), (3) or (4) of the *Road Transport (Vehicle Registration) Regulation 2017*.

(2) If a person appeals to the Local Court against a relevant decision, the decision has effect:

(a) only if the Local Court hearing the appeal confirms the decision or the appeal is withdrawn, and

(b) subject to any variation of the decision by the Local Court, and

(c) on and from the date on which the Local Court confirms the decision or on such later date as the Local Court may order or, if the appeal is withdrawn, on the date on which it is withdrawn.

(3), (4) (Repealed)

**135A 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, but only in exceptional circumstances.
(2) The Local Court may, in an appeal against any of the following decisions of the Authority, make an order staying the decision but only in exceptional circumstances and after considering any circumstances of aggravation:

(a) a decision to suspend the registration of a heavy vehicle under clause 46 of the *Road Transport (Vehicle Registration) Regulation 2017*, or

(b) a decision to vary, suspend or cancel the driver licence of a driver of a heavy vehicle under clause 66 of the *Road Transport (Driver Licensing) Regulation 2017*, or

(c) a decision of the Authority, based on an opinion formed by the Authority under clause 96 (4) (i) of the *Road Transport (Driver Licensing) Regulation 2017*, that a driver of a heavy vehicle has ceased to be exempt from the requirements of the driver licensing law.

(3) In determining *exceptional circumstances* for the purposes of this clause, 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 the Authority to suspend the registration of a heavy vehicle—the hardship that is likely to be experienced by the registered operator of the vehicle,

(e) any other matter that the Local Court considers to be relevant.

(4) In determining *circumstances of aggravation* in relation to a decision referred to in subclause (2) (a)–(c), 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.

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

(1) If in any appeal concerning a decision of the Authority about a licence it appears to the Local Court that:

(a) the licence is affected by another decision of the Authority as well as the one under appeal in those proceedings, and

(b) the appellant has commenced or intends to commence appeal proceedings under the Act in respect of that other decision,

the Court may adjourn the appeal proceedings pending hearing of that other appeal or so that both appeals may be heard together.
(2) If in any appeal concerning a decision of a police officer to issue a suspension notice under section 224 of the Act it appears to the Court that:

(a) the licence of the appellant is affected by a decision of the Authority as well, and

(b) the appellant has commenced or intends to commence appeal proceedings under the Act in respect of that other decision,

the Court may adjourn the appeal proceedings pending hearing of that other appeal or so that both appeals may be heard together.

**Division 5 Determination of certain appeals**

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

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

(a) knew, or could reasonably be expected to have known, that the motor vehicle had been used or was likely to be used in connection with a sanctionable offence within the meaning of Part 7.6, or

(b) knew, or could reasonably be expected to have known, that a suspension warning notice had been given in respect of the vehicle, or

(c) had consented to the use of the vehicle or had taken all reasonable steps to prevent any person using the vehicle without consent.

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

A report furnished under clause 73 of the *Road Transport (Vehicle Registration) Regulation 2017* to the Authority, and certified by the Authority to have been so furnished, is to be admitted in evidence in proceedings before the Local Court in respect of an appeal in relation to a decision of the class referred to in clause 127 (a) as evidence of the contents of the report.

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

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

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

(b) that the incident that led to the suspension of the licence:

(i) was caused by something other than the person’s medical condition at the time, or

(ii) was caused by the person’s medical condition at that time, being a condition to which the person is no longer subject.
(2) The fact that a person has been acquitted of an offence arising out of the incident that led to the suspension of the person’s driver licence, following the person’s allegation that the incident was caused by the person’s medical condition at that time, is irrelevant to the Local Court’s consideration of the matters referred to in subclause (1) (b).

Part 9 Miscellaneous

140 Delegation of Authority’s licensing and registration functions

(1) For the purposes of section 273 (1) (b) of the Act, the following persons (or classes of persons) are prescribed with respect to the delegation of any or all of the licensing and registration functions of the Authority:

(a) a statutory corporation or an officer or employee of a statutory corporation,

(b) the holder of a statutory office,

(c) a member of staff of the Government Service,

(d) a local council or an officer or employee of a local council,

(e) any other person who, in the opinion of the Authority, has appropriate qualifications for the exercise of the function to be delegated.

(2) The licensing and registration functions of the Authority are:

(a) the functions of the Authority under Chapter 3 of the Act and the Road Transport (Driver Licensing) Regulation 2017, and

(b) the functions of the Authority under Chapter 4 of the Act and the Road Transport (Vehicle Registration) Regulation 2017.

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

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

(2) The Authority may waive the fee referred in subclause (1) if it is satisfied that the payment of the fee would result in undue hardship to the person seeking access to information.

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

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

(a) in relation to section 204 (4) (a) of the Act—a speeding offence within the meaning of rule 10–2 of the Road Rules 2014, or

(b) in relation to section 216 (1) (a) (ii) of the Act—a speeding offence within the meaning of rule 10–2 of the Road Rules 2014 committed in the circumstances referred to in rule 10–2 (3) of those Rules.
143 Removal of unattended vehicles: section 143 (cf STM Reg, cl 155)

(1) The following are prescribed for the purposes of the definition of prescribed place in section 143 (12) of the Act:

(a) a bus lane within the meaning of the Road Rules 2014,
(b) a freeway within the meaning of the Road Rules 2014,
(c) a T-Way lane within the meaning of the Road Rules 2014,
(d) a length of road to which a clearway sign applies as referred to in rule 176 of the Road Rules 2014,
(e) a transit lane within the meaning of the Road Rules 2014.

(2) For the purposes of section 143 of the Act, the prescribed tow-away charge is $207.

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

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

144A Number-plate confiscation notices

(1) The following information is prescribed for the purposes of the definition of number-plate confiscation notice in section 237 (1) of the Act:

(a) a brief description of the effect of the notice and 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) in the case of a number-plate confiscation notice issued in respect of 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 the 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 clause, VIN has the same meaning as in the Road Transport (Vehicle Registration) Regulation 2017.
145 Offence—failure to comply with order, notice, direction, requirement or request (cf Gen Reg, cl 176; STM Reg, cl 158)

(1) A person who fails, without reasonable excuse, to comply with any order, notice, direction, requirement or request given or made to the person under this Regulation or the Road Rules 2014 is guilty of an offence.

Maximum penalty: 20 penalty units.

(2) A person is not liable to be punished for an offence against subclause (1) for a failure to comply with an order, notice, direction, requirement or request given or made to the person under this Regulation or the Road Rules 2014 if the person is liable to be punished for an offence in respect of the same failure to comply under another provision of this Regulation or the Road Rules 2014.

Note. The offence in clause 89 (2) is an example of an offence to which subclause (2) above might apply.

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

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

Maximum penalty: 20 penalty units.

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

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

148 Mass requirements on certain roads and bridges

(1) The council of a local government area or the Authority may do any of the following things by means of 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 the Authority for the purposes of this clause.

(3) A limit notice that displays 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 that kind of axle or axle group.

(4) A limit notice in or similar to a sign approved by the Authority for the purposes of this clause 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 clause may only be exercised with respect to classified roads by the Authority.

(6) A person who fails to comply with the terms of a limit notice is guilty of an offence.

    Maximum penalty: 30 penalty units.

(7) In an emergency such as a fire, explosion or natural disaster (including a drought), the Authority may exempt a vehicle or combination, or its driver or owner, from a prohibition referred to in this clause if the circumstances referred to in clause 50Y (1) (a) and (b) apply. Clause 50Y (2) and (3) apply to such an exemption.

(8) In this clause:

(a) bridge and classified road have the same meanings as in the Road Act 1993, and

(b) laden mass, total mass and vehicle have the same meanings as in Part 3A of this Regulation.

### Schedule 1 Fees

<table>
<thead>
<tr>
<th>Fee category</th>
<th>Provision prescribing fee</th>
<th>Amount payable ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Access to information contained in database of declarations and orders maintained under section 22 of the Act</td>
<td>clause 5 (1)</td>
</tr>
<tr>
<td>2</td>
<td>Daily storage fee for an impounded motor vehicle under section 250 of the Act</td>
<td>clause 48</td>
</tr>
<tr>
<td>3</td>
<td>Application for a permit under clause 50N</td>
<td>clause 50N (2) (b)</td>
</tr>
<tr>
<td>4</td>
<td>Issue of information from records of the Authority (including certificates and other documents issued under section 257 of the Act)</td>
<td>clause 141</td>
</tr>
</tbody>
</table>

### Schedule 2 Declared organisations

(Clauses 3 (1))

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Declared organisation</td>
<td>Area of operations</td>
<td>Responsible Minister</td>
</tr>
</tbody>
</table>
Centennial Park (being that part of Woollahra, Waverley, Randwick and Sydney bounded by, but not including, Oxford Street, York Road, Darley Road, Alison Road, Dacey Avenue, South Dowling Street, Flinders Street and Moore Park Road).

Moore Park (being that part of Randwick and Sydney south of Dacey Avenue and bounded by, but not including, Dacey Avenue, Anzac Parade and South Dowling Street).

Albury Wodonga campus, Thurgoona (being Lot 1, DP 11839783; Lot 620, DP 717911 and Lots 31 and 33, DP 1172127).

Bathurst campus (being that 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).

Port Macquarie campus (being Lots 2 and 3, DP 1178043 and Lots 7 and 8, DP 1094444).

Wagga Wagga campus (being that part of Wagga Wagga council area that is designated by the Geographical Names Board of New South Wales as a suburb called “Charles Sturt University”, excluding public roads).

Wagga Wagga south campus (being that part of Turvey Park bounded by, but not including, Fernleigh Road, Hely Avenue, Charleville Road, College Avenue, Urana Street and Idsal Road).

The Darling Harbour Development Area (being that part of Sydney bounded by, but not including, King Street, Sussex Street, Harbour Street, Hay Street, Ultimo Road, Darling Drive, Pier Street, Harris Street, Allen Street and Murray Street).

Lee Wharf Zone (being that part of Lot 1, DP 1236735 bounded by, but not including, Honeysuckle Drive, the western boundary of Lot 2, DP 1236735, land along the waterfront containing a boardwalk and zoned as public open space and Cottage Creek, excluding public roads).

Station Street Zone (being Station Street and that part of Lot 1, DP 1236735 bounded by, but not including, the northern property boundary of Lot 100, DP 1183581, Hannell Street, Honeysuckle Drive and Cottage Creek, excluding public roads).

Wickham Zone (being Lot 1, DP 1225922 and that part of Lot 1, DP 1236735 bounded by, but not including, Hannell Street, Honeysuckle Drive, Cottage Creek and land along the waterfront containing a boardwalk and zoned as public open space, excluding public roads).
Wright Lane Zone (being Lots 1, 2 and 3, DP 1163346; Lot 4, DP 1111305 and Lot 21, DP 1165985, excluding public roads).

Rankin Park campus (being Lots 1, 2 and 4, DP 839929 and Lots 131 and 132, DP 1053492).

James Fletcher Hospital (being Lot 1, DP 10969317 and Lot 10, DP 1087691).

Belmont Hospital (being Lots 12 and 13, DP 848759).

WallSEND campus (being Lot 1, DP 330699; Lots 11, 12 and 16, DP 13487 and Lots A, C, D, E and F, DP 312480).

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)).

Waratah campus (being Lot 3, DP 852177).

Tamworth Base Hospital (being Lots 1, 99 and 335, DP 753848).

Marsfield campus (being that part of Marsfield bounded by, but not including, Epping Road, Herring Road, Talavera Road, Culloden Road, Balaclava Road, Vimiera Road, Waterloo Road and Marsfield Park).

Coffs Harbour Health Campus (being Lot 202, DP 1127790 and Lot 14, DP 261222).

Port Macquarie Base Hospital (being Lot 23, DP 1099567).

Lismore Base Hospital (being that 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).

Royal North Shore Hospital (being Lots 1 and 2, DP 1158469 and Lot 102, DP 1075748).

Trust land within the meaning of the former Parramatta Stadium Trust Act 1988 (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.

The Royal Botanic Gardens and The Domain (being those parts of the Trust lands, within the meaning of the Royal Botanic Gardens and Domain Trust Act 1980, that are described in Parts 1 and 2 of Schedule 2 to that Act, and including Art Gallery Road, Mrs Macquaries Road and Hospital Road).

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),
Darling Island (to its connection with Jones Bay Road),

Point Street (between Bowman Street and John Street),

Bowman Street (between Cross Street and Point Street),

Cross Street (between Bowman Street and Scott Street),

Scott Street (between Harris Street and Cross Street).

Sydney Olympic Park Authority
Sydney Olympic Park within the meaning of the Sydney Olympic Park Authority Act 2001.

TAFE Commission
St George College, Kogarah (being Lot 1, DP 853677).

University of New England
Armidale campus (being that part of Armidale comprising the roads indicated on the maps marked “University of New England–Parking Scheme Area of Operations” and dated 23 February 2001 that have been lodged with the Authority before that date by the University of New England and that are available for inspection at each vehicular entrance to the Armidale Campus of the University of New England).

University of Newcastle
Callaghan campus (being that part of Newcastle bounded by, but not including, University Drive, Highway Route 123, the main Northern Rail line and the Steelworks golf course).

Newcastle CBD precinct (being that part of Newcastle bounded by, but not including, Auckland Street, Gibson Street, Laman Street and Charles Street).

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

University of New South Wales
Kensington campus (being that part of Kensington bounded by, but not including, Anzac Parade, High Street, Botany Street and Barker Street).

Randwick campus (being that part of Randwick bounded by, but not including, King Street, Darley Road, Govett Street and Govett Lane).

Western campus (being that part of Kensington bounded by, but not including, Day Avenue and Anzac Parade).

University of Sydney
Camperdown campus (being that part of Camperdown bounded by, but not including, Parramatta Road, Missenden Road, Carillon Avenue and City Road).

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

Carillon campus (being that part of Newtown bounded by, but not including, Carillon Avenue, Missenden Road and Campbell Street).
Graduate School of Management campus (being that part of Macdonaldtown bounded by, but not including, Burren Street and Watkin Street).

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

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

Cumberland College campus (being that part of Lidcombe bounded by, but not including, Earl Street and Lidcombe Hospital).

Camden Farms, being the following sites:

(a) that part of Camden bounded by, but not including, Werombi Road and Groenlow Hill Loop Road,

(b) that part of Camden bounded by, but not including, Werombi Road, Sickle Creek and Nepean River,

(c) that part of Camden bounded by, but not including, Nepean River and Cobbitty Road (northern section),

(d) that part of Camden bounded by, but not including, Nepean River and Cobbitty Road (southern section),

(e) that part of Camden bounded by, but not including, Mayfarm Road and Mt Hunter Rivulet.

Orange campus (being that part of Orange bounded by, but not including, Leeds Road and Ophir Road).

City Campus (being that part of Ultimo bounded by, but not including, Jones Street, Thomas Street, Harris Street and Broadway).

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

Blackfriars Campus (being that part of Chippendale bounded by, but not including, Buckland and Blackfriars Streets and Abercrombie Street).

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

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

Bankstown campus (being that part of Milperra bounded by, but not including, Bullecourt Avenue, Horsley Road, Mount Saint Joseph Milperra, M5 Motorway and Ashford Avenue).
Campbelltown campus (being that part of Campbelltown bounded by, but not including, M31 Hume Motorway, Narellan Road, TAFE NSW Campbelltown College, Goldsmith Avenue and Milky Way).

Hawkesbury east campus (being that 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 that part of Richmond bounded by, but not including, The Driftway, Londonderry Road, Southee Road and Castlereagh Road).

Parramatta north campus (being that 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 that 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

University of Wollongong, Wollongong (Main Campus), being that 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.

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

Weerona College Student Residence, Gwynneville, corner Foley Street and Throsby Drive bucking on to the Wollongong Tennis Club’s tennis courts.

Marketview Student Residence, Wollongong, bounded by Market and Church Streets, Lot 101, DP 11001956.

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 that part of Auburn bounded by, but not including, Hargrave Road, Norval Street, Havington Road and Water Street).

Blacktown Hospital (being that part of Blacktown bounded by, but not including, Bungarribee Road, Blacktown Road, Panorama Parade and Marcel Crescent).

Cumberland Hospital (being that part of Parramatta bounded by, but not including, Fleet Street, New Street, Parramatta Gaol and Toongabbie Creek).

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

Lottie Stewart Hospital (being that part of Dundas bounded by, but not including, Stewart Street and Kissing Point Road).

St Joseph’s Hospital (being that part of Auburn bounded by, but not including, Normanby Road, Alice Street, Mona Street and Cardigan Street).

Westmead Hospital (being that part of Westmead bounded by, but not including, Darcy Road, Hawkesbury Road and Toongabbie Creek).

**Schedule 3 Substances prescribed as drugs**

(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

(Clause 121)

Class 1 officer means:

(a) (Repealed)

(b) a person who is employed in the Office of State Revenue in the Department of Finance and Services and who is authorised by the Commissioner of Fines Administration for the purposes of this definition, or

(c) a person:
(i) whose services are made use of by the Office of State Revenue in the Department of Finance and Services (whether by way of temporary hire arrangement, secondment or otherwise), and

(ii) who is authorised by the 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) who is employed by Roads and Maritime Services as an enforcement officer, or

(b) who is subject to the control and direction of Roads and Maritime Services as an enforcement officer.

**Class 3 officer** means a person:

(a) who is employed by the State Transit Authority as an enforcement officer, or

(b) who is subject to the control and direction of the State Transit Authority as an enforcement officer.

**Class 4 officer** means a person:

(a) who is employed by Transport for NSW as an enforcement officer, or

(b) who is subject to the control and direction of Transport for NSW as an enforcement officer.

**Class 6 officer** means a person:

(a) who is an officer or employee of the Office of Environment and Heritage, Department of Premier and Cabinet, or

(b) who is subject to the control and direction of the Office of Environment and Heritage, Department of Premier and Cabinet,

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

**Class 8 officer** means a person:

(a) who is employed by the Sydney Harbour Foreshore Authority as an enforcement officer, or

(b) who is subject to the control and direction of the Sydney Harbour Foreshore Authority as an enforcement officer.

**Class 9 officer** means a person:

(a) who is employed in a Government department as an enforcement officer, or

(b) who is subject to the control and direction of the head of a Government department as an enforcement officer.

**Class 10 officer** means a person:

(a) who is employed by a corporation established by or under an Act as an enforcement officer, or

(b) who is subject to the control and direction of a corporation as an enforcement officer.

**Class 12 officer** means a person:
(a) who is employed by a local council, or
(b) who is subject to the control and direction of a local council,

and who is an authorised person (within the meaning of the *Local Government Act 1993*) for the purposes of section 679 of that Act.

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

**Class 15 officer** means a person:

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

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

### Schedule 5 Penalty notice offences

*(Clause 122)*

<table>
<thead>
<tr>
<th>Heavy Vehicle (Adoption of National Law) Act 2013</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provision</td>
<td>Authorised officer</td>
<td>Penalty</td>
</tr>
<tr>
<td>Section 26 (2)</td>
<td>Class 1, 2</td>
<td>Level 2</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Local Government Act 1993</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
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<td>Penalty</td>
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<td>Section 650 (1) (in relation to a notice or sign referred to in section 650 (2) (a) or (b)); Section 650 (4); Section 650 (5)</td>
<td>Class 1, 6, 7, 12</td>
<td>Level 2</td>
</tr>
<tr>
<td>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)</td>
<td>Class 1, 6, 7, 12</td>
<td>Level 7</td>
</tr>
<tr>
<td>Section 650A (1) (in relation to a notice or sign referred to in section 650A (2) (a) or (b)); Section 650A (4); Section 650A (5)</td>
<td>Class 1, 12</td>
<td>Level 2</td>
</tr>
<tr>
<td>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)</td>
<td>Class 1, 12</td>
<td>Level 7</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Motor Accidents Compensation Act 1999</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provision</td>
<td>Authorised officer</td>
<td>Penalty</td>
</tr>
<tr>
<td>Section 8</td>
<td>Class 1, 2, 4</td>
<td>Level 8</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Motor Vehicles Taxation Act 1988</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provision</td>
<td>Authorised officer</td>
<td>Penalty</td>
</tr>
<tr>
<td>Provision</td>
<td>Authorised officer</td>
<td>Penalty</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>-------------------</td>
<td>---------</td>
</tr>
<tr>
<td>(a) in the case of a class A motor vehicle and otherwise than in school zone:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) driven at a speed of not more than 10 km/h above the speed limit applicable</td>
<td>Class 1</td>
<td>Level 2A</td>
</tr>
<tr>
<td>(ii) driven at a speed of more than 10 km/h but not more than 20 km/h above the speed limit applicable</td>
<td>Class 1</td>
<td>Level 4A</td>
</tr>
<tr>
<td>(iii) driven at a speed of more than 20 km/h but not more than 30 km/h above the speed limit applicable</td>
<td>Class 1</td>
<td>Level 6A</td>
</tr>
<tr>
<td>(iv) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable</td>
<td>Class 1</td>
<td>Level 9A</td>
</tr>
<tr>
<td>(v) driven at a speed of more than 45 km/h above the speed limit applicable</td>
<td>Class 1</td>
<td>Level 14A</td>
</tr>
<tr>
<td>(b) in the case of a class B motor vehicle and otherwise than in school zone:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) driven at a speed of not more than 10 km/h above the speed limit applicable</td>
<td>Class 1</td>
<td>Level 5A</td>
</tr>
<tr>
<td>(ii) driven at a speed of more than 10 km/h but not more than 20 km/h above the speed limit applicable</td>
<td>Class 1</td>
<td>Level 6A</td>
</tr>
<tr>
<td>(iii) driven at a speed of more than 20 km/h but not more than 30 km/h above the speed limit applicable</td>
<td>Class 1</td>
<td>Level 7A</td>
</tr>
<tr>
<td>(iv) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable</td>
<td>Class 1</td>
<td>Level 9A</td>
</tr>
<tr>
<td>(v) driven at a speed of more than 45 km/h above the speed limit applicable</td>
<td>Class 1</td>
<td>Level 14A</td>
</tr>
<tr>
<td>(c) in the case of a class C motor vehicle and otherwise than in school zone:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) driven at a speed of not more than 10 km/h above the speed limit applicable</td>
<td>Class 1</td>
<td>Level 5A</td>
</tr>
</tbody>
</table>
Road Transport (General) Regulation 2013 [NSW]

(ii) driven at a speed of more than 10 km/h but not more than 20 km/h above the speed limit applicable 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 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 Level 11A

(v) driven at a speed of more than 45 km/h above the speed limit applicable Level 16A

Rule 20 (except where the applicable speed limit is specified by rule 24–2, 24–3 or 24–4):

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

(i) driven at a speed of not more than 10 km/h above the speed limit applicable 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 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 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 Level 10A

(v) driven at a speed of more than 45 km/h above the speed limit applicable Level 15A

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

(i) driven at a speed of not more than 10 km/h above the speed limit applicable 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 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 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 Level 10A

(v) driven at a speed of more than 45 km/h above the speed limit applicable Level 15A

(c) in the case of a class C motor vehicle and in school zone:
Road Transport (General) Regulation 2013 [NSW]

(i) driven at a speed of not more than 10 km/h above the speed limit applicable  
Class 1 Level 6A

(ii) driven at a speed of more than 10 km/h but not more than 20 km/h above the speed limit applicable  
Class 1 Level 7A

(iii) driven at a speed of more than 20 km/h but not more than 30 km/h above the speed limit applicable  
Class 1 Level 8A

(iv) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable  
Class 1 Level 12A

(v) driven at a speed of more than 45 km/h above the speed limit applicable  
Class 1 Level 17A

Rule 20 (where the applicable speed limit is specified by rule 24–2):

(a) in the case of a vehicle driven at a speed of not more than 10 km/h above the speed limit applicable  
Class 1 Level 2A

(b) in the case of a vehicle driven at a speed of more than 10 km/h but not more than 20 km/h above the speed limit applicable  
Class 1 Level 4A

(c) in the case of a vehicle driven at a speed of more than 20 km/h but not more than 30 km/h above the speed limit applicable  
Class 1 Level 6A

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

(e) in the case of a vehicle driven at a speed of more than 45 km/h above the speed limit applicable  
Class 1 Level 14A

Rule 20 (where the applicable speed limit is specified by rule 24–3):

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

(i) driven at a speed of not more than 10 km/h above the speed limit applicable  
Class 1 Level 2A

(ii) driven at a speed of more than 10 km/h but not more than 20 km/h above the speed limit applicable  
Class 1 Level 4A

(iii) driven at a speed of more than 20 km/h but not more than 30 km/h above the speed limit applicable  
Class 1 Level 6A

(iv) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable  
Class 1 Level 9A

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

(b) in the case of a class B motor vehicle:
(ii) driven at a speed of not more than 10 km/h above the speed limit applicable

(ii) driven at a speed of more than 10 km/h but not more than 20 km/h above the speed limit applicable

(iii) driven at a speed of more than 20 km/h but not more than 30 km/h above the speed limit applicable

(iv) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable

(v) driven at a speed of more than 45 km/h above the speed limit applicable

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

(i) driven at a speed of not more than 10 km/h above the speed limit applicable

(ii) driven at a speed of more than 10 km/h but not more than 20 km/h above the speed limit applicable

(iii) driven at a speed of more than 20 km/h but not more than 30 km/h above the speed limit applicable

(iv) driven at a speed of more than 30 km/h but not more than 45 km/h above the speed limit applicable

(v) driven at a speed of more than 45 km/h above the speed limit applicable

Rule 20 (where the applicable speed limit is specified by rule 24–4)

Rule 20, in relation to a bicycle (except where the applicable speed limit is specified by rule 24–2)

Rule 27, Rule 28 (1) and (1A), Rule 29, Rule 31, Rule 32 (1), Rule 33, Rule 88, Rule 89, Rule 90, Rule 91, Rule 92, Rule 98, Rule 99,

Rule 37, Rule 39, Rule 40, Rule 41, Rule 42, otherwise than in school zone

Class 1

Level 5A

Level 6A

Level 7A

Level 9A

Level 14A

Class 1

Class 1

Class 1

Class 1

Class 1

Class 1

Class 1

Class 1

Class 1

Class 1

Class 1

Class 1

Class 1

Class 1

Class 1

Class 1

Class 1

Class 1

Class 1

Class 1

Class 1

Class 1
| Rule 37, Rule 39, Rule 40, Rule 41, Rule 42, in school zone | Class 1 | Level 5 |
| Rule 38, Rule 62, Rule 63, Rule 64 (a), Rule 64 (c), Rule 65 (2) (a), Rule 65 (2) (b), Rule 67 (1), Rule 68 (1), Rule 69 (1), Rule 70, Rule 71, Rule 101, Rule 288, Rule 289, Rule 290, Rule 297 (2), Rule 299, Rule 300, Rule 300–1, otherwise than in school zone | Class 1 | Level 5 |
| Rule 38, Rule 62, Rule 63, Rule 64 (a), Rule 64 (c), Rule 65 (2) (a), Rule 65 (2) (b), Rule 67 (1), Rule 68 (1), Rule 69 (1), Rule 70, Rule 71, Rule 101, Rule 288, Rule 289, Rule 290, Rule 297 (2), Rule 299, Rule 300, Rule 300–1, in school zone | Class 1 | Level 6 |
| Rule 56, Rule 59, Rule 80, Rule 81, in relation to a vehicle not being 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 |
| Rule 56 (1), Rule 59, in relation to a bicycle otherwise than at toll booth | Class 1 | Level 6 |
| Rule 56 (2), Rule 80, Rule 81, Rule 82, in relation to a motor vehicle otherwise than in school zone | Class 1 | Level 6 |
| Rule 56 (2), Rule 80, Rule 81, Rule 82, in relation to a motor vehicle in school zone | Class 1 | Level 7 |
| Rule 56 (2), Rule 80, Rule 81, in relation to a bicycle | Class 1 | Level 6 |
| Rule 57, Rule 60, Rule 60A, Rule 61, Rule 64 (b), Rule 65 (2) (c), Rule 297 (1), Rule 297 (1A), Rule 297 (3), otherwise than in school zone | Class 1 | Level 6 |
| Rule 57, Rule 60, Rule 60A, Rule 61, Rule 64 (b), Rule 65 (2) (c), Rule 297 (1), Rule 297 (1A), Rule 297 (3), in school zone | Class 1 | Level 7 |
| Rule 59, 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 |
| Rule 66, Rule 78, Rule 78–1, Rule 79, Rule 121, Rule 122, Rule 123, Rule 124, Rule 126, Rule 152, Rule 274, Rule 275, Rule 277, Rule 279, Rule 281, Rule 282, Rule 284, Rule 286, Rule 294 | Class 1 | Level 6 |
Rule 72, Rule 73, Rule 74, Rule 75, Rule 76, Rule 77, Rule 84, Rule 85, Rule 86, Rule 87, Rule 108, Rule 114, Rule 136, Rule 140, Rule 142, Rule 144, Rule 144–1, Rule 145, Rule 148, Rule 148A, Rule 149, Rule 154, Rule 157 (1), Rule 159, Rule 224, Rule 224–1, Rule 264, Rule 265 (1), Rule 266, Rule 267–1, Rule 268, Rule 268–2, Rule 268–3, Rule 269, Rule 270 (1) (a), Rule 270 (2), Rule 271 (1) (a), Rule 271 (2) (a), Rule 271 (2) (a) and (3), Rule 271 (4), Rule 271 (5), Rule 271 (5A), Rule 271 (5B), Rule 271 (5C), Rule 271–1 (1) Rule 271–2 (1), Rule 287, Rule 298, Rule 298–1

Rule 79–1, Rule 79–2 (1), Rule 218–1

Rule 82:

(a) in relation to a bicycle

(b) in relation to any other vehicle not being a motor vehicle or bicycle

Rule 83:

(a) in relation to a motor vehicle

(b) in relation to a bicycle

(c) in relation to any other vehicle

Rule 93, Rule 94, Rule 95, Rule 96, Rule 97, Rule 101A, Rule 111, Rule 115, Rule 116, Rule 125, Rule 128, Rule 143, Rule 155, Rule 156

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

(b) in relation to any other driver

Rule 103

Rule 104 (1) and (3)

Rule 104 (2):

(a) in relation to any length of road other than the length of road referred to in paragraph (b)

(b) in relation to the length of road between Galston and Hornsby Heights that crosses Galston Gorge

Rule 105, Rule 107

Rule 106 (1) and (3)

Rule 106 (2):
## Road Transport (General) Regulation 2013 [NSW]

(a) in relation to any length of road other than the length of road referred to in paragraph (b)  
Class 1, 2, 14  
Level 3

(b) in relation to the length of road between Galston and Hornsby Heights that crosses Galston Gorge  
Class 1, 2, 14  
Level 14

Rule 119:

(a) in relation to the rider of a bicycle  
Class 1  
Level 2

(b) in relation to any other rider  
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  
Level 11

Rule 127 (1), otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone  
Class 1  
Level 6

Rule 128A, otherwise than in school zone  
Class 1  
Level 4

Rule 128A, in school zone  
Class 1  
Level 5

Rule 129, Rule 137, Rule 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 any other vehicle  
Class 1  
Level 1

Rule 130, Rule 131, Rule 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 any other vehicle  
Class 1  
Level 1

Rule 132:

(a) in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone  
Class 1, 2  
Level 11

(b) in relation to a class B or class C motor vehicle not in a Safe-T-Cam zone or average speed detection zone  
Class 1  
Level 5

(c) in relation to a motor vehicle that is not a class B or class C motor vehicle  
Class 1  
Level 5

(d) in relation to a bicycle  
Class 1  
Level 2

(e) in relation to any other vehicle  
Class 1  
Level 1
Rule 146, in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone, Rule 147, in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone, Rule 150 (1), in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone

Rule 146, otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone, Rule 147, otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone

Rule 150 (1), otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone

Rule 151:
(a) in relation to the rider of a bicycle
(b) in relation to any other rider

Rule 151–1
Rule 155A
Rule 157–1 (1)
Rule 157–1 (2)

Rule 160, Rule 161, Rule 212, Rule 213, Rule 216, Rule 218, Rule 219, Rule 271 (1) (b), Rule 271 (1) (c), Rule 271 (2) (b) and (3), Rule 272, Rule 296

Rule 167, otherwise than in school zone
Rule 167, in school zone
Rule 168, otherwise than in school zone
Rule 168, in school zone

Rule 168–1

Rule 169
Rule 170 (1), (2) and (3), otherwise than in school zone
Rule 170 (1), (2) and (3), in school zone
Rule 171 (1), Rule 172 (1), Rule 173 (1), Rule 174 (2), otherwise than in school zone
Rule 171 (1), Rule 172 (1), Rule 173 (1), Rule 174 (2), in school zone

Rule 171 (1), Rule 172 (1), Rule 173 (1), Rule 174 (2), in school zone
Rule 175 (1)
Rule 176, Rule 177, Rule 178
Rule 179, Rule 180, Rule 181, Rule 190

Rule 179–1, Rule 207–1, Rule 207–2, Rule 207–3, Rule 207–4, Rule 207–5, Rule 207–6, Rule 207–7, Rule 207–8, Rule 207–9
<table>
<thead>
<tr>
<th>Rule</th>
<th>Class</th>
<th>Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rule 182 (1)</td>
<td>Class 1, 2, 4, 12</td>
<td>Level 3</td>
</tr>
<tr>
<td>Rule 183 (1), otherwise than in school zone</td>
<td>Class 1, 2, 3, 4, 12</td>
<td>Level 4</td>
</tr>
<tr>
<td>Rule 183 (1), in school zone</td>
<td>Class 1, 2, 3, 4, 12</td>
<td>Level 5</td>
</tr>
<tr>
<td>Rule 184 (1), in relation to a minibus zone in a clearway, transit lane or bus lane</td>
<td>Class 1, 2, 3, 4, 12</td>
<td>Level 3</td>
</tr>
<tr>
<td>Rule 184 (1), otherwise than in relation to a minibus zone in a clearway, transit lane or bus lane</td>
<td>Class 1, 2, 3, 4, 12</td>
<td>Level 2</td>
</tr>
<tr>
<td>Rule 186</td>
<td>Class 1, 4, 12</td>
<td>Level 2</td>
</tr>
<tr>
<td>Rule 187 (1)</td>
<td>Class 2</td>
<td>Level 4</td>
</tr>
<tr>
<td>Rule 187 (2), Rule 187 (3)</td>
<td>Class 1, 12, 16</td>
<td>Level 4</td>
</tr>
<tr>
<td>Rule 188, Rule 193, Rule 194, Rule 199, Rule 200, Rule 201, Rule 202, Rule 205, Rule 208A, Rule 209, Rule 210, Rule 211</td>
<td>Class 1, 12</td>
<td>Level 2</td>
</tr>
<tr>
<td>Rule 189, otherwise than in school zone</td>
<td>Class 1, 12</td>
<td>Level 4</td>
</tr>
<tr>
<td>Rule 189, in school zone</td>
<td>Class 1, 12</td>
<td>Level 5</td>
</tr>
<tr>
<td>Rule 191, Rule 192, Rule 203A</td>
<td>Class 1, 12, 16</td>
<td>Level 3</td>
</tr>
<tr>
<td>Rule 195 (1), otherwise than in school zone</td>
<td>Class 1, 2, 4, 12</td>
<td>Level 4</td>
</tr>
<tr>
<td>Rule 195 (1), in school zone</td>
<td>Class 1, 2, 4, 12</td>
<td>Level 5</td>
</tr>
<tr>
<td>Rule 195 (1–1), otherwise than in a school zone</td>
<td>Class 1, 2, 4, 12</td>
<td>Level 4</td>
</tr>
<tr>
<td>Rule 195 (1–1), in a school zone</td>
<td>Class 1, 2, 4, 12</td>
<td>Level 5</td>
</tr>
<tr>
<td>Rule 196 (1)</td>
<td>Class 1, 4, 12</td>
<td>Level 3</td>
</tr>
<tr>
<td>Rule 197 (1), Rule 198 (1) and (2), otherwise than in school zone</td>
<td>Class 1, 12</td>
<td>Level 4</td>
</tr>
<tr>
<td>Rule 197 (1), Rule 198 (1) and (2), in school zone</td>
<td>Class 1, 12</td>
<td>Level 5</td>
</tr>
<tr>
<td>Rule 197 (1A), Rule 197 (1B), otherwise than in school zone</td>
<td>Class 1, 12</td>
<td>Level 2</td>
</tr>
<tr>
<td>Rule 197 (1A), Rule 197 (1B), in school zone</td>
<td>Class 1, 12</td>
<td>Level 3</td>
</tr>
<tr>
<td>Rule 203 (1)</td>
<td>Class 1, 12, 15</td>
<td>Level 7</td>
</tr>
<tr>
<td>Rule 205A–1 (1)</td>
<td>Class 1, 12, 15, 16</td>
<td>Level 4</td>
</tr>
<tr>
<td>Rule 208 (1) (arising from a breach of Rule 208 (2)), otherwise than in school zone</td>
<td>Class 1, 12</td>
<td>Level 4</td>
</tr>
<tr>
<td>Rule 208 (1) (arising from a breach of Rule 208 (2)), in school zone</td>
<td>Class 1, 12</td>
<td>Level 5</td>
</tr>
<tr>
<td>Rule 208 (1) (arising from a breach of Rule 208 (3), (4), (5), (7) or (8)),</td>
<td>Class 1, 12</td>
<td>Level 2</td>
</tr>
<tr>
<td>Rule 208 (1) (arising from a breach of Rule 208 (6)), otherwise than in school zone</td>
<td>Class 1, 12</td>
<td>Level 4</td>
</tr>
<tr>
<td>Rule 208 (1) (arising from a breach of Rule 208 (6)), in school zone</td>
<td>Class 1, 12</td>
<td>Level 5</td>
</tr>
<tr>
<td>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</td>
<td>Class 1, 2</td>
<td>Level 11</td>
</tr>
</tbody>
</table>
Road Transport (General) Regulation 2013 [NSW]

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

Rule 220–1 (1)  Class 1  Level 2
Rule 221–1, Rule 294–3, Rule 300–5 Class 1, 2 Level 2
Rule 221–2 Class 1 Level 2
Rule 222–1, Rule 300–4 Class 1, 2 Level 5
Rule 222–2, Rule 291–1 Class 1, 2 Level 3
Rule 226, Rule 227 Class 1, 2 Level 2
Rule 245–1 Class 1 Level 6
Rule 254, 256 Class 1 Level 5
Rule 265 (3) (where driver drives with 1 unrestrained passenger) Class 1 Level 5
Rule 265 (3) (where driver drives with 2 unrestrained passengers) Class 1 Level 8
Rule 265 (3) (where driver drives with 3 unrestrained passengers) Class 1 Level 10
Rule 265 (3) (where driver drives with 4 or more unrestrained passengers) Class 1 Level 12
Rule 270 (1) (a) and (b) (where unhelmeted rider rides bike with one unhelmeted passenger only) Class 1 Level 8
Rule 270 (1) (a) and (b) (where unhelmeted rider rides bike with 2 unhelmeted passengers) Class 1 Level 10
Rule 270 (1) (a) and (b) (where unhelmeted rider rides bike with 3 unhelmeted passengers) Class 1 Level 12
Rule 270 (1) (a) and (b) (where unhelmeted rider rides bike with 4 or more unhelmeted passengers) Class 1 Level 13
Rule 270 (1) (b) (where helmeted rider rides bike with one unhelmeted passenger only) Class 1 Level 5
Rule 270 (1) (b) (where helmeted rider rides bike with 2 unhelmeted passengers) Class 1 Level 8
Rule 270 (1) (b) (where helmeted rider rides bike with 3 unhelmeted passengers) Class 1 Level 10
Rule 270 (1) (b) (where helmeted rider rides bike with 4 or more unhelmeted passengers) Class 1 Level 12
Rule 291 Class 1, 2 Level 5
Rule 291–2 Class 1, 2, 16 Level 3
Rule 291–3 Class 1 Level 3
Rule 292 (a), Rule 292 (b) Class 1, 2, 12 Level 6
Rule 292 (c)  Class 1, 2  Level 6
Rule 293 (2)  Class 1, 2, 16  Level 6
Rule 294–1, 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 304 (1)  Class 1, 16  Level 5
Rule 316–2 (1)  Class 1, 2, 12, 16  Level 3

**Road Transport Act 2013**

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Provision</strong></td>
<td><strong>Authorised officer</strong></td>
<td><strong>Penalty</strong></td>
</tr>
<tr>
<td>Section 50</td>
<td>Class 1</td>
<td>Level 9</td>
</tr>
</tbody>
</table>

Section 53 (1) (a); Section 53 (1) (b):

(a) where the driver held a licence under the Act (but not a licence appropriate to the class of vehicle driven, being a class of vehicle that requires a Class C, Class R, Class LR or Class MR licence):

(i) for the first offence, or the first offence within the last 5 years  Class 1, 2  Level 7
(ii) for the second or subsequent offence within the last 5 years  Class 1, 2  Level 9

(b) where the driver held a licence under the Act (but not a licence appropriate to the class of vehicle driven, being a class of vehicle that requires a Class HR, Class HC or Class MC licence):

(i) for the first offence, or the first offence within the last 5 years  Class 1, 2  Level 8
(ii) for the second or subsequent offence within the last 5 years  Class 1, 2  Level 11

(c) where the driver held a licence issued under the law in force in another State or Territory, but had resided continuously in New South Wales during the previous 3 months:

(i) for the first offence, or the first offence within the last 5 years  Class 1, 2  Level 7
(ii) for the second or subsequent offence within the last 5 years  Class 1, 2  Level 9

(d) where the driver held a licence under the Act that had expired less than 2 years before:

(i) for the first offence, or the first offence within the last 5 years  Class 1, 2  Level 7
(ii) for the second or subsequent offence within the last 5 years  Class 1, 2  Level 9
(e) where the driver held a licence under the Act that had expired 2 years or more before:

(i) for the first offence, or the first offence within the last 5 years  
Class 1, 2  
Level 8

(ii) for the second or subsequent offence within the last 5 years  
Class 1, 2  
Level 11

(f) where the driver had never been licensed within the meaning of section 53 (5) (for the first offence only)  
Class 1, 2  
Level 9

Section 68 (1):

(a) in the case of a class A motor vehicle  
Class 1, 2  
Level 8

(b) in the case of a class B or class C motor vehicle  
Class 1, 2  
Level 12

(c) in the case of standing a trailer not being part of a combination  
Class 1, 2, 12  
Level 3

Section 73 (3); Section 75 (2)  
Class 1, 2  
Level 12

Section 90 (1); Section 92 (1); Section 96; Section 97; Section 104G (1); Section 104I (1); Section 104M; Section 104N  
Class 2  
Level 8

Section 91; Section 92 (2); Section 93; Section 94; Section 98 (6); Section 104H; Section 104I (2); Section 104J; Section 104K; Section 104O (6)  
Class 2  
Level 12

Section 110 (1)-(3) (but only if the person has not been issued a penalty notice for an alcohol or other drug related driving offence, or convicted of the same or an equivalent offence, in the 5 years before the offence)  
Class 1  
Level 7

Section 111 (1) (but only if the person has not been issued a penalty notice for an alcohol or other drug related driving offence, or convicted of the same or an equivalent offence, in the 5 years before the offence)  
Class 1  
Level 7

Section 116 (1)  
Class 1  
Level 8

Section 117 (1) (c)  
Class 1  
Level 6

Section 119; Section 120 (3)  
Class 1  
Level 13

Section 143 (6)  
Class 1, 2  
Level 5

Section 162  
Class 1, 2  
Level 14

Section 169A (7)  
Class 1, 2  
Level 5

Section 175 (2) (a) or (b)  
Class 1, 2  
Level 2

Section 177 (1)  
Class 1, 2  
Level 9

Section 188 (1):

(a) if the offence relates to a vehicle registered otherwise than in the name of a natural person:
(i) for the first offence, or the first offence within the last 5 years  

(ii) for the second or subsequent offence within the last 5 years  

(b) in any other case

Section 188 (2):

(a) if the offence relates to a vehicle registered otherwise than in the name of a natural person

(b) in any other case

Section 239 (2); Section 244 (1)–(3)

Section 243 (1) and (2)

Section 244 (4)

Road Transport (Driver Licensing) Regulation 2017

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provision</td>
<td>Authorised officer</td>
<td>Penalty</td>
</tr>
<tr>
<td>Clause 9 (2); Clause 9 (3)</td>
<td>Class 1, 2</td>
<td>Level 2</td>
</tr>
<tr>
<td>Clause 15 (1) (a)</td>
<td>Class 1</td>
<td>Level 9</td>
</tr>
<tr>
<td>Clause 15 (1) (b); Clause 17 (1) (a); Clause 17 (1) (b); Clause 18 (a); Clause 18 (b); Clause 23 (a); Clause 23 (b)</td>
<td>Class 1</td>
<td>Level 4</td>
</tr>
<tr>
<td>Clause 16 (a); Clause 16 (b); Clause 19; Clause 39 (6); Clause 39 (8); Clause 96 (14); Clause 122 (1) (a); Clause 122 (1) (b); Clause 122 (1) (c)</td>
<td>Class 1</td>
<td>Level 2</td>
</tr>
<tr>
<td>Clause 17 (2)</td>
<td>Class 1</td>
<td>Level 7</td>
</tr>
<tr>
<td>Clause 39 (7)</td>
<td>Class 1</td>
<td>Level 5</td>
</tr>
<tr>
<td>Clause 93 (3)</td>
<td>Class 1</td>
<td>Level 13</td>
</tr>
<tr>
<td>Clause 119 (1) (where the licence concerned is an interlock driver licence):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) in relation to a condition imposed by clause 83 (3)</td>
<td>Class 1</td>
<td>Level 13</td>
</tr>
<tr>
<td>(b) in relation to a condition imposed by clause 85 (1) (e) or (f)</td>
<td>Class 1</td>
<td>Level 13</td>
</tr>
<tr>
<td>Clause 119 (1) (otherwise than where the licence concerned is an interlock driver licence):</td>
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<td></td>
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<tr>
<td>(a) in relation to a condition imposed by clause 22 (1) (b) or 29 (1)</td>
<td>Class 1</td>
<td>Level 7</td>
</tr>
<tr>
<td>(b) if it is the first such offence, or the first such offence within the last 5 years</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) in relation to a condition imposed by clause 22 (1) (b) or 29 (1)</td>
<td>Class 1</td>
<td>Level 9</td>
</tr>
<tr>
<td>(b) if it is the second or subsequent such offence within the last 5 years</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**Road Transport (General) Regulation 2013 [NSW]**

(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 any other licence condition  
Class 1  
Level 4

Clause 120; Clause 121; Clause 123 (2)  
Class 1, 2  
Level 2

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**Road Transport (General) Regulation 2013**

<table>
<thead>
<tr>
<th>Provision</th>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 18 (1)</td>
<td>Class 1</td>
<td>Level 6</td>
<td></td>
</tr>
<tr>
<td>Clause 21</td>
<td>Class 1</td>
<td>Level 2</td>
<td></td>
</tr>
<tr>
<td>Clause 24 (1); Clause 25 (1); Clause 26 (2)</td>
<td>Class 1, 2</td>
<td>Level 5</td>
<td></td>
</tr>
<tr>
<td>Clause 26 (3); Clause 27</td>
<td>Class 1, 2</td>
<td>Level 3</td>
<td></td>
</tr>
<tr>
<td>Clause 33 (1); Clause 33 (2); Clause 34</td>
<td>Class 1, 2, 12, 16</td>
<td>Level 3</td>
<td></td>
</tr>
<tr>
<td>Clause 50C (in respect of a contravention of a requirement of clause 50F (1) or 50R)</td>
<td>Class 1, 2, 6, 7, 12, 14</td>
<td>Level 9</td>
<td></td>
</tr>
<tr>
<td>Clause 50C (in respect of a contravention of a requirement of clause 50L)</td>
<td>Class 1, 2, 6, 7, 12, 14</td>
<td>Level 3</td>
<td></td>
</tr>
<tr>
<td>Clause 50G (1)</td>
<td>Class 1, 2, 6, 7, 12, 14</td>
<td>Level 2</td>
<td></td>
</tr>
<tr>
<td>Clause 50K (4)</td>
<td>Class 1, 2</td>
<td>Level 4</td>
<td></td>
</tr>
<tr>
<td>Clause 50P</td>
<td>Class 1, 2</td>
<td>Level 4</td>
<td></td>
</tr>
<tr>
<td>Clause 50S (a); Clause 50S (b)</td>
<td>Class 1, 2, 12, 14</td>
<td>Level 4</td>
<td></td>
</tr>
<tr>
<td>Clause 50S (c)</td>
<td>Class 1, 2, 12, 14</td>
<td>Level 6</td>
<td></td>
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<td>Clause 50X (1)</td>
<td>Class 1, 2, 6, 7, 12, 14</td>
<td>Level 3</td>
<td></td>
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<tr>
<td>Clause 63 (a); Clause 64 (a); Clause 70 (a); Clause 70 (b); Clause 71 (a); Clause 76 (a); Clause 76 (b); Clause 92 (3) (b); Clause 92 (3) (c); Clause 92 (4)</td>
<td>Class 1, 12, 15</td>
<td>Level 4</td>
<td></td>
</tr>
<tr>
<td>Clause 63 (b); Clause 71 (b); Clause 92 (3) (a)</td>
<td>Class 1, 12, 15</td>
<td>Level 3</td>
<td></td>
</tr>
<tr>
<td>Clause 111; Clause 112; Clause 113; Clause 114 (4); Clause 115 (3); Clause 116 (6)</td>
<td>Class 1, 2, 6, 7, 8, 9, 10, 12, 14, 15, 16</td>
<td>Level 8</td>
<td></td>
</tr>
<tr>
<td>Clause 148, if the offence arises because the laden mass of the vehicle exceeds the maximum specified by the limit notice:</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>(a) by not more than 1 tonne</td>
<td>Class 1, 2, 12, 14</td>
<td>Level 5</td>
<td></td>
</tr>
<tr>
<td>(b) by more than 1 tonne but not more than 2 tonnes</td>
<td>Class 1, 2, 12, 14</td>
<td>Level 8</td>
<td></td>
</tr>
<tr>
<td>(c) by more than 2 tonnes but not more than 3 tonnes</td>
<td>Class 1, 2, 12, 14</td>
<td>Level 10</td>
<td></td>
</tr>
</tbody>
</table>
(d) by more than 3 tonne but not more than 4 tonnes  

### Road Transport (Vehicle Registration) Regulation 2017

<table>
<thead>
<tr>
<th>Provision</th>
<th>Authorised officer</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 23 (4); Clause 29 (1); Clause 30 (1); Clause 31; Clause 36 (8); Clause 37 (1); Clause 37 (2); Clause 37 (3); Clause 37 (4); Clause 37 (6); Clause 37 (7); Clause 39 (1); Clause 42 (3); Clause 43 (4); Clause 47 (5); Clause 52 (3); Clause 53; Clause 54; Clause 55; Clause 56 (2); Clause 56 (3); Clause 60 (1) except in relation to a matter provided for elsewhere in this Table; Clause 60 (2); Clause 60 (4); Clause 60 (5); Clause 66 (4); Clause 68 (8); Clause 68 (9); Clause 69 (4); Clause 77 (1); Clause 77 (2); Clause 77 (3); Clause 78; Clause 80 (7); Clause 128 (1); Clause 129 (2); Clause 130 (1); Clause 130 (3)</td>
<td>Class 1, 2</td>
<td>Level 2</td>
</tr>
<tr>
<td>Clause 34 (1) and (2)</td>
<td>Class 1</td>
<td>Level 15</td>
</tr>
<tr>
<td>Clause 60 (1) (a), in the case of a class A motor vehicle</td>
<td>Class 1, 2</td>
<td>Level 6</td>
</tr>
<tr>
<td>Clause 60 (1) (a), in the case of a class B motor vehicle</td>
<td>Class 1, 2</td>
<td>Level 8</td>
</tr>
<tr>
<td>Clause 60 (1) (a), in the case of a class C motor vehicle</td>
<td>Class 1, 2</td>
<td>Level 8</td>
</tr>
<tr>
<td>Clause 60 (1) (b) (i) in the case of a light vehicle that does not comply with any of the following provisions of the Light Vehicle Standards Rules:</td>
<td>Class 1, 2</td>
<td>Level 3</td>
</tr>
<tr>
<td>(a) rule 25C (b), vehicle cause danger or unreasonable annoyance</td>
<td>Class 1, 2</td>
<td>Level 3</td>
</tr>
<tr>
<td>(b) rule 26, defective steering</td>
<td>Class 1, 2</td>
<td>Level 5</td>
</tr>
<tr>
<td>(c) rule 29 (3), motor vehicle manufactured on or after 1 January 2003 (except if the model of the vehicle is a model of a kind manufactured before 1 January 2003) that has a GVM of not more than 3.5 tonnes and that is fitted with a vehicle frontal protection system (such as bullbar, roobar or nudge bar) failing to comply with AS 4876.1–2002 Motor vehicle frontal protection systems—Road user protection because of:</td>
<td>Class 1, 2</td>
<td>Level 3</td>
</tr>
<tr>
<td>(i) incorrect method of mounting vehicle frontal protection system, or</td>
<td>Class 1</td>
<td>Level 3</td>
</tr>
<tr>
<td>(ii) exposed edges, or</td>
<td>Class 1</td>
<td>Level 3</td>
</tr>
<tr>
<td>(iii) unacceptable shape of material or unacceptable profile of vehicle frontal protection system, or</td>
<td>Class 1</td>
<td>Level 3</td>
</tr>
<tr>
<td>(iv) use of non-standard or non-approved vehicle frontal protection system</td>
<td>Class 1, 2</td>
<td>Level 3</td>
</tr>
</tbody>
</table>
(d) rule 29 (3), motor vehicle manufactured on or after 1 January 2003 (except if the model of the vehicle is a model of a kind manufactured before 1 January 2003) that has a GVM of not more than 3.5 tonnes and that is fitted with a vehicle frontal protection system (such as bullbar, roobar or nudge bar) failing to comply with AS 4876.1–2002 *Motor vehicle frontal protection systems—Road user protection* because of dangerous protrusions (such as fishing rod holders, aerials, winches and brackets for the mounting of spot lamps) fitted to vehicle frontal protection system.

(e) rule 29A, oil and grease leaks

(f) rule 31, defective seating

(g) rule 31A, seatbelt removed or defective

(h) rule 31A, motor vehicle not fitted or equipped with seatbelts or seatbelt anchorages

(i) rules 119–121 or 123–128, defective brakes

(j) rule 122, defective brake other than a defective emergency brake

(k) rules 130, 134, 137 or 139–141, undue emission, inefficient silencer or excessive noise

(l) rule 143 or 144, defective LPG or natural gas equipment or labelling

Clause 60 (1) (b) (ii)

Clause 64 (1)

Clause 68 (10); Clause 69 (6)

Clause 80 (4)

Clause 81 (6), Clause 128 (2), in the case of a minor defect notice

Clause 84 (1)

Clause 85 (2); Clause 85 (5); Clause 93 (1); Clause 93 (2); Clause 93 (3)

Clause 85 (6)

Clause 90 (5); Clause 94 (2); Clause 94 (3); Clause 95 (1); Clause 95 (2)

Clause 109 (2); Clause 112 (1); Clause 112 (2); Clause 113; Clause 121 (1); 123Q (2); Clause 123R (1) and (2); Clause 123S; Clause 123ZA (1)

Clause 116; Clause 123V

Clause 119 (1) and (3); Clause 121 (3); Clause 123Y (1) and (3); Clause 123ZA (3)
Clause 128 (2), in the case of a major defect notice

Clause 128 (3); Clause 128 (5)

Clause 129 (1), Clause 129 (3), in the case of a class A motor vehicle

Clause 129 (4), in the case of a class A motor vehicle

Clause 129 (1), Clause 129 (3), Clause 129 (4), in the case of a class B motor vehicle or class C motor vehicle

R*oads Act 1993*

<table>
<thead>
<tr>
<th>Provision</th>
<th>Authorised officer</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 115 (4)</td>
<td>Class 1, 2, 14</td>
<td>Level 2</td>
</tr>
</tbody>
</table>

**Schedule 5A Lower penalty levels for certain parking offences**

(Clause 123B)

**Part 1 Councils that have opted to participate**

Blacktown City Council

Blayney 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
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 6 Savings and transitional provisions

1 Continuation of certain matters under former regulations

(1) In this clause, the former regulations are:

(a) the Road Transport (General) Regulation 2005 as in force immediately before the commencement of this Regulation, and

(b) the Road Transport (Safety and Traffic Management) Regulation 1999 as in force immediately before the commencement of this Regulation.

(2) Any act, matter or thing that, immediately before the commencement of this Regulation, had effect under a provision of the former regulations continues to have effect under this Regulation in relation to any provision of this Regulation that corresponds (or substantially corresponds) with the provision of the former regulations.

(3) Without limiting subclause (2), any authority, order, notice, declaration, exemption, approval, authorisation, appointment, guidelines, permit or permission given, made or granted by a person that was in force or had effect under a provision of the former regulations (the former provision) continues in force or to have effect (subject to any relevant conditions to which it was subject) under the provision (if any) of this Regulation that corresponds (or substantially corresponds) with the former provision until it is repealed, revoked or replaced under this Regulation.

2 Use of certain existing enforcement documents for 15-month transitional period

(1) This clause applies to a document (an existing enforcement document) of a type specified in the Table to this clause that was originally prepared before the repeal day so that it could be used, when completed, for the administration or enforcement of the former road transport legislation or specified provisions of that legislation.

(2) An existing enforcement document may, during the transitional period, be used for the purposes of administering or enforcing provisions of the new road transport legislation that are corresponding provisions in relation to the provisions of the former road transport legislation for which the document was originally prepared.
Note. If a new enforcement document is available for use, it should generally be used in preference to an existing enforcement document. This provision will cover, but is not limited to, the inadvertent or mistaken use of an existing enforcement document instead of a new enforcement document.

(3) If an existing enforcement document is used as provided by subclause (2), references in the document to the former road transport legislation (or to provisions of that legislation) are to be read in the same way as clause 43 (Updating of references to former road transport legislation) of Schedule 4 to the new Act requires such references to be read in other Acts and instruments made under other Acts.

(4) A term or expression used in this clause that is defined for the purposes of Schedule 4 to the new Act has the same meaning as in that Schedule.

(5) In this clause:

new Act means the Road Transport Act 2013.

transitional period means the period of 15 months commencing on the repeal day.

Table

Road Transport (General) Act 2005

1. A direction or authorisation for use under Division 3 of Part 3.3 of the Road Transport (General) Act 2005.

2. An improvement notice for use under Division 2 of Part 3.5 of the Road Transport (General) Act 2005.

3. A formal warning for use under Division 3 of Part 3.5 of the Road Transport (General) Act 2005.

4. An amendment to any direction or conditions for use under section 129 of the Road Transport (General) Act 2005.

5. A direction for use under Division 5 of Part 4.2 of the Road Transport (General) Act 2005.

6. A suspension notice for use under Division 4 of Part 5.4 of the Road Transport (General) Act 2005.

7. A production notice, confiscation notice, certificate, receipt or search warrant for use under Division 2 of Part 5.5 of the Road Transport (General) Act 2005.

Road Transport (General) Regulation 2005

8. A notice for use under clause 38 of the Road Transport (General) Regulation 2005.

Road Transport (Safety and Traffic Management) Act 1999


10. A certificate, label or notification for use under Part 2 of the Road Transport (Safety and Traffic Management) Act 1999.

An approval, condition, certificate or notice for use under Part 3 of the Road Transport (Safety and Traffic Management) Act 1999.

A notice for use under Division 2 of Part 5 of the Road Transport (Safety and Traffic Management) Act 1999.

A notice, application or receipt for use under Division 2 of Part 12 of the Road Transport (Safety and Traffic Management) Regulation 1999.

A condition, permit or notice for use under section 8 of the Road Transport (Vehicle Registration) Act 1997.


A warning notice, defect notice, condition or prohibition for use under section 26 of the Road Transport (Vehicle Registration) Act 1997.

3 Authorised officers

A person who, immediately before the commencement of the amendments made to this Regulation by the Fines Amendment Act 2013, was authorised by the Chief Commissioner of State Revenue for the purposes of the definition of Class 1 officer in Schedule 4 is taken, on the commencement, to be authorised for the purposes of that definition by the Commissioner of Fines Administration.

4 Use of existing evidence certificate forms by analysts

(1) A form of evidence certificate that was prepared in accordance with former clause 36 (5) of Schedule 3 to the Act before the relevant day so that it could be used under that clause when completed:

(a) is taken to be, and is to be construed as, a form of evidence certificate prepared in accordance with new clause 36 (5) of Schedule 3 to the Act, and

(b) may, during the transitional period, be completed in accordance with and used under that clause.

(2) In this clause:

former clause 36 (5) of Schedule 3 to the Act means clause 36 (5) as in force immediately before the relevant day.

new clause 36 (5) of Schedule 3 to the Act means clause 36 (5) as amended by the Road Transport Amendment (Alcohol and Drug Testing) Act 2014.

relevant day means 1 February 2015 (being the day on which the Road Transport Amendment (Alcohol and Drug Testing) Act 2014 commences).
transitional period means the period of 12 months commencing on the relevant day.

5 Road Transport (Mass, Loading and Access) Regulation 2005—savings

Any act, matter or thing that, immediately before the repeal of the Road Transport (Mass, Loading and Access) Regulation 2005, had effect under a provision of that Regulation continues to have effect under any provision of this Regulation that corresponds (or substantially corresponds) with the provision of the repealed Regulation.

Historical notes

The following abbreviations are used in the Historical notes:

<table>
<thead>
<tr>
<th>Am</th>
<th>amended</th>
<th>LW</th>
<th>legislation website</th>
<th>Sch</th>
<th>Schedule</th>
</tr>
</thead>
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<td>No</td>
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</tr>
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<td>clauses</td>
<td>p</td>
<td>page</td>
<td>Sec</td>
<td>section</td>
</tr>
<tr>
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<td>Division</td>
<td>pp</td>
<td>pages</td>
<td>Secs</td>
<td>sections</td>
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<tr>
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<td>Reg</td>
<td>Regulation</td>
<td>Subdiv</td>
<td>Subdivision</td>
</tr>
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<td>GG</td>
<td>Government Gazette</td>
<td>Regs</td>
<td>Regulations</td>
<td>Subdivs</td>
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</tr>
<tr>
<td>Ins</td>
<td>inserted</td>
<td>Rep</td>
<td>repealed</td>
<td>Subst</td>
<td>substituted</td>
</tr>
</tbody>
</table>

Table of amending instruments

Road Transport (General) Regulation 2013 (367). Enacted as Sch 3 to the Road Transport (Statutory Rules) Act 2013. Date of commencement, 1.7.2013, cl 2 and 2013 (329) LW 28.6.2013. This Regulation has been amended as follows:

Date of commencement, 1.7.2013, cl 2 (a).

Date of commencement, 1.7.2013, cl 2.


Date of commencement of Sch 2.4 [1]–[9] and [11]–[18], 10.2.2014, sec 2 (1) and 2014 (24) LW 7.2.2014; date of commencement of Sch 2.4 [10], assent, sec 2 (2).

Date of commencement, 1.12.2013, sec 2.

Date of commencement, on publication on LW, rule 2.

(263) Road Transport (General) Amendment (Northern Sydney Local Health District) Regulation 2014. LW 16.5.2014.
Date of commencement, on publication on LW, cl 2.

(293) Road Transport Legislation Amendment (Fees, Penalty Levels and Charges) Regulation 2014. LW 30.5.2014.
Date of commencement, 1.7.2014, cl 2.

(358) Road Transport (General) Amendment (Enforcement Documents) Regulation 2014. LW 13.6.2014.
Date of commencement, on publication on LW, cl 2.
Road Transport (General) Regulation 2013 [NSW]

(369)  Road Transport (General) Amendment (Penalty Notice Offences) Regulation 2014. LW 13.6.2014.
Date of commencement, on publication on LW, cl 2.

(383)  Road Transport Legislation Amendment (Lane Use by Motor Bikes) Regulation 2014. LW 23.6.2014.
Date of commencement, 1.7.2014, cl 2.

(499)  Road Transport (General) Amendment (Hunter Development Corporation) Regulation 2014. LW 8.8.2014.
Date of commencement, on publication on LW, cl 2.

Date of commencement, 1.9.2014, rule 2.

Date of commencement of Sch 2, 8.1.2015, sec 2 (1).

(761)  Road Transport (General) Amendment (Unregistered Trailers) Regulation 2014. LW 28.11.2014.
Date of commencement, on publication on LW, cl 2.

(762)  Road Transport Legislation Amendment (Road Rules) Regulation 2014. LW 28.11.2014.
Date of commencement, 1.12.2014, cl 2.

Date of commencement, 1.2.2015, cl 2.

2015  (3)  Road Transport (Driver Licensing) Amendment (Mandatory Alcohol Interlock Program) Regulation 2015. LW 2.1.2015.
Date of commencement, 1.2.2015, cl 2.

(49)   Road Transport (General) Amendment (Parking at University of Wollongong) Regulation 2015. LW 6.2.2015.
Date of commencement, on publication on LW, cl 2.

(207)  Road Transport (General) Amendment (Mid North Coast Local Health District) Regulation 2015. LW 15.5.2015.
Date of commencement, on publication on LW, cl 2.

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Date of commencement, 1.7.2015, cl 2.

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Date of commencement, on publication on LW, cl 2.
Date of commencement, on publication on LW, cl 2.

Date of commencement, 1.12.2015, cl 2.

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LW 27.11.2015.
Date of commencement, on publication on LW, cl 2.

2016
Date of commencement, on publication on LW, cl 2.

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Date of commencement of Sch 3, 8.7.2016, sec 2 (1).

Date of commencement, 1.7.2016, cl 2.

2017
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Date of commencement, on publication on LW, cl 2.

Date of commencement, 1.7.2017, cl 2.

Date of commencement, 1.9.2017, cl 2.

Date of commencement, on publication on LW, cl 2.

Date of commencement of Sch 4, assent, sec 2 (1).

Date of commencement, 30.1.2018, cl 2.

2018
Date of commencement, 1.9.2018, cl 2.

Date of commencement of Sch 5.36, 14 days after assent, sec 2 (1).

Date of commencement, 1.7.2018, cl 2.

Date of commencement, 1.7.2018, cl 2.
Road Transport (General) Regulation 2013 [NSW]

Date of commencement, on publication on LW, cl 2.

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Date of commencement, on publication on LW, cl 2.

Date of commencement, on publication on LW, cl 2.

Date of commencement of Sch 2.3, 20.5.2019, sec 2 and 2018 (653) LW 23.11.2018.

Date of commencement of Sch 2.31, 8.1.2019, sec 2 (1).

Date of commencement, 3.12.2018, cl 2.

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LW 23.11.2018.
Date of commencement, on publication on LW, cl 2.

Date of commencement, 1.1.2019, cl 2.

Date of commencement, 1.2.2019, cl 2.

Date of commencement, on publication on LW, cl 2.

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Date of commencement, 28.2.2019, cl 2.

Date of commencement, on publication on LW, cl 2.

Date of commencement, 1.7.2019, cl 2.

Date of commencement of Sch 1.17, 14 days after assent, sec 2 (1).

Date of commencement, 1.7.2019, cl 2.

Table of amendments

Cl 3 Am 2013 No 71, Sch 2.4 [1]; 2014 (762), Schs 1, 3 [1]; 2015 (449), Sch 1 [1]–[3]; 2017 (451), Sch 5.2 [1]–[4]; 2017 (617), Sch 2 [1]; 2018 (411), cl 3 (1).

Cl 6 Am 2017 (451), Sch 5.2 [5]; 2017 (617), Sch 2 [1] [2]; 2018 No 25, Sch 5.36 [1]; 2019 (61), Sch 1.2 [1] [2].
Road Transport (General) Regulation 2013 [NSW]

Cl 7
Am 2017 (451), Sch 5.2 [5] [6]; 2019 (61), Sch 1.2 [3] [4].

Cl 11–15
Am 2014 (762), Sch 1.

Cl 16
Am 2013 No 71, Sch 2.4 [2] [3]; 2014 (762), Sch 1; 2015 (449), Sch 1 [4]; 2017 (451), Sch 5.2 [7].

Cl 17
Am 2013 No 71, Sch 2.4 [4]; 2014 (762), Sch 1.

Cl 18, 19, 21
Am 2014 (762), Sch 1.

Cl 28A
Ins 2014 (856), Sch 1 [1].

Cl 31
Am 2014 (856), Sch 1 [2].

Cl 32, 34
Am 2014 (762), Sch 1.

Cl 35
Am 2017 (617), Sch 1 [1]; 2017 No 61, Sch 4.3; 2019 (132), cl 3.

Cl 36, 37
Am 2014 (762), Sch 1.

Part 3A, Divs 1, 2 (cll 50A–50K)
Ins 2015 (449), Sch 1 [5].

Part 3A, Div 3
Ins 2015 (449), Sch 1 [5].

Cl 50L
Ins 2015 (449), Sch 1 [5]. Am 2017 (451), Sch 5.2 [8] [9].

Cl 50M, 50N
Ins 2015 (449), Sch 1 [5].

Part 3A, Div 4
Ins 2015 (449), Sch 1 [5].

Cl 50O–50Q
Ins 2015 (449), Sch 1 [5].

Cl 50R
Ins 2015 (449), Sch 1 [5]. Am 2019 No 1, Sch 1.17 [1].

Cl 50S
Ins 2015 (449), Sch 1 [5].

Part 3A, Divs 5, 6 (cll 50T–50Y)
Ins 2015 (449), Sch 1 [5].

Cl 56
Am 2013 No 71, Sch 2.4 [5].

Cl 57
Am 2013 No 71, Sch 2.4 [6].

Cl 60, 61
Am 2014 (762), Sch 1.

Cl 62
Am 2014 (762), Sch 3 [2] [3].

Cl 65, 66, 72, 73, 77, 78, 81, 90, 94
Am 2014 (762), Sch 1.

Cl 107
Am 2017 (451), Sch 5.2 [5].

Cl 109
Am 2015 (627), Sch 2 [1] [2]; 2017 (617), Sch 2 [3].

Cl 110, 114, 119
Am 2014 (762), Sch 1.

Cl 120
Am 2013 No 82, Sch 2.15 [1].

Cl 122
Am 2018 (280), cl 3. Subst 2018 (658), Sch 1 [1].

Cl 122A
Ins 2018 (658), Sch 1 [1].