

**Version No. 031**  
**Road Safety (General) Regulations 1999**  
**S.R. No. 27/1999**

Version incorporating amendments as at 24 October 2006

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**PART 1—PRELIMINARY**

**101. Objectives**

The objectives of these Regulations are—

- (a) to prescribe devices and procedures for obtaining evidence in relation to—
  - (i) blood or breath alcohol concentration or the presence of alcohol or any other drug; and
  - (ii) the speed of vehicles; and
  - (iii) the mass of vehicles; and
  - (iv) other traffic offences; and
- (b) to prescribe the matters to be included in parking infringement notices and traffic infringement notices; and
- (c) to prescribe the penalties for parking infringements and traffic infringements; and
- (d) to provide for the application of provisions of the Act and regulations to land of public authorities; and
- (e) to prescribe other matters authorised under the **Road Safety Act 1986**.

Reg. 101(a)(i)  
amended by  
S.R. No.  
159/2004  
reg. 5.

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**102. Authorising provisions**

These Regulations are made under section 95 of the **Road Safety Act 1986**.

**103. Commencement**

These Regulations come into operation on 1 May 1999.

**104. Revocation**

The Regulations listed in Schedule 1 are **revoked**.

**105. Definition**

In these Regulations—

"**Act**" means the **Road Safety Act 1986**;

"**automatic detection device**" means a detection device prescribed by regulation 302;

"**camera**" includes a device that converts optical images into electronic signals;

"**checksum**" means a number produced by the application of an algorithm to the contents of a digital file (other than a checksum contained in the file);

"**computer**" has the same meaning as in Division 3 of Part III of the **Evidence Act 1958**;

Reg. 105  
def. of  
"camera"  
inserted by  
S.R. No.  
88/2000  
reg. 4(2).

Reg. 105  
def. of  
"checksum"  
inserted by  
S.R. No.  
88/2000  
reg. 4(2).

Reg. 105  
def. of  
"computer"  
inserted by  
S.R. No.  
88/2000  
reg. 4(2).

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**"control unit"** means the part of an automatic detection device referred to in regulation 302(d), (e), (f), (g), (h), (i), (j) or (k) that is a computer that processes images captured by a camera and creates a digital file in respect of those images;

Reg. 105  
def. of  
"control unit"  
inserted by  
S.R. No.  
88/2000  
reg. 4(2),  
amended by  
S.R. Nos  
90/2002  
reg. 4(a),  
87/2003  
reg. 4(a),  
120/2005  
reg. 4(a).

**"digital file"** means a file in a digital format, or electronic copy of such a file, which is created by a control unit and contains—

- (a) one or more digital images; and
- (b) data indicating the date on which, and the time and place at which, the image was captured by a camera; and
- (c) the checksum for that file;

Reg. 105  
def. of  
"digital file"  
inserted by  
S.R. No.  
88/2000  
reg. 4(2),  
substituted by  
S.R. Nos  
132/2004  
reg. 4,  
120/2005  
reg. 4(b).

**"digital image"** means an image, or electronic copy of an image, of a vehicle or part of a vehicle that has been processed by a control unit;

Reg. 105  
def. of  
"digital  
image"  
inserted by  
S.R. No.  
88/2000  
reg. 4(2).

**"digitector"** means the device known by that name which determines the speed at which a motor vehicle travels between two vehicle detectors on a road;

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**"dynamic axle weighing device"** means a device which—

- (a) is designed to weigh each axle of a moving vehicle successively; and
- (b) is either—
  - (i) the device known as the Electronic Mass Unit Model 870.3 or 870.4; or
  - (ii) a device which satisfies the testing requirements in regulations 409 and 410 and which has been approved by the Corporation by notice published in the Government Gazette;

**"Engineering Department"** means the head of the Engineering Department of the University of Melbourne or a testing officer of that Department;

**"infringement penalty"** means—

- (a) in relation to a parking infringement—
  - (i) the amount prescribed in Schedule 3 for the purposes of section 87(3) of the Act; or
  - (ii) in the case of a contravention of section 90E of the Act, 1 penalty unit; or
  - (iii) the amount fixed by the municipal council under section 87(4) of the Act as the penalty for the parking infringement to which the parking infringement notice relates;

Reg. 105  
def. of  
"infringement  
penalty"  
amended by  
S.R. No.  
88/2004  
reg. 4(Sch. 1  
item 41.1).



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- (b) in relation to a traffic infringement, the amount prescribed in Schedule 4 for the purposes of section 88(5) of the Act as the penalty for the traffic infringement to which the traffic infringement notice relates;

**"laser device"** means—

- (a) the LTI 20.20 Marksman AT;
- (b) the Prolaser 11 Model Auslaser;
- (c) the LTI 20-20 Ultralyte LR;
- (d) the Prolaser III;

Reg. 105  
def. of  
"laser device"  
amended by  
S.R. No.  
88/2000  
reg. 4(1)(a).

**"portable weighing device"** means a portable mechanical or electrical device capable of determining the mass carried on any axle or axles of a motor vehicle or trailer;

**"printed image"** means a printed image produced in accordance with the process as set out in regulation 313;

Reg. 105  
def. of  
"printed  
image"  
inserted by  
S.R. No.  
88/2000  
reg. 4(2).

**"radar device"** means—

- (a) the Kustom HR4;
- (b) the Kustom Falcon;
- (c) the Kustom KR-10SP;
- (d) the Kustom Golden Eagle;
- (e) the Kustom Silver Eagle;

Reg. 105  
def. of  
"radar device"  
amended by  
S.R. No.  
88/2000  
reg. 4(1)(b).

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Reg. 105  
def. of  
"registered  
practitioner"  
revoked by  
S.R. No.  
120/1999  
reg. 714(1).

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Reg. 105  
def. of  
"removable  
storage  
media"  
inserted by  
S.R. No.  
88/2000  
reg. 4(2).

**"removable storage media"** includes disks and magnetic tapes;

Reg. 105  
def. of  
"Road Rules"  
or "RR"  
inserted by  
S.R. No.  
120/1999  
reg. 708.

**"Road Rules"** or **"RR"** means the Road Rules within the meaning of the Road Safety (Road Rules) Regulations 1999;

Reg. 105  
def. of  
"speed  
calculation  
unit"  
inserted by  
S.R. No.  
88/2000  
reg. 4(2),  
amended by  
S.R. Nos  
90/2002  
reg. 4(b),  
87/2003  
reg. 4(b),  
120/2005  
reg. 4(c).

**"speed calculation unit"** means the part of an automatic detection device referred to in regulation 302(d), (e), (f), (g), (h), (i), (j) or (k) that determines the speed of a vehicle, when the vehicle activates the vehicle detectors which form part of the device;

**"speed measuring device"** means a device prescribed by regulation 305;

**"testing authority"** means a person or body (whether corporate or unincorporate) approved by the Corporation for the purposes of Division 2 of Part 4 by notice published in the Government Gazette;

"testing officer" means—

- (a) a technical officer or the head of the faculty, school or department of electrical engineering, electronics or communications at a university specified in Schedule 1 to the **Tertiary Education Act 1993** or at an institution specified in Schedule 1 to the **Vocational Training and Education Act 1990**; or
- (b) a person skilled in the development and operation of speed measuring devices and authorised in writing by the Chief Commissioner of Police; or
- (c) the principal testing officer of a testing body accredited in the field of electrical testing by the National Association of Testing Authorities, Australia (NATA);

"vehicle detectors" means the parts of an automatic detection device referred to in regulation 302(d), (e), (f), (g), (h), (i), (j) or (k) that detect the presence of a vehicle.

Reg. 105  
def. of  
"vehicle  
detectors"  
inserted by  
S.R. No.  
88/2000  
reg. 4(2),  
amended by  
S.R. Nos  
90/2002  
reg. 4(c),  
87/2003  
reg. 4(c),  
120/2005  
reg. 4(d).

#### 106. Certificate under section 84

- (1) A certificate under section 84 of the Act must, in addition to the matters referred to in section 84(1), (3) or (4A), contain the following prescribed particulars—
  - (a) the expression "**Road Safety Act 1986**";  
and

Reg. 106  
inserted by  
S.R. No  
54/1999  
reg. 13,  
amended by  
S.R. No.  
172/2001  
reg. 5(1)(a)(2)  
(ILA s. 39B(2)).

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Reg. 106  
(1)(ca)  
inserted by  
S.R. No.  
172/2001  
reg. 5(1)(b).

- (b) the expression "Certificate under Section 84"; and
- (c) the name and official title of the person issuing the certificate; and
- (ca) in the case of a certificate issued by an authorised person, a statement to that effect; and
- (d) the date on which the certificate is issued.

Reg. 106(2)  
inserted by  
S.R. No.  
172/2001  
reg. 5(2).

- (2) A certificate under section 83A(1) is in the prescribed form if, in addition to any of the matters referred to in that section, the certificate—
  - (a) states that it is a certificate issued by an authorised person under section 83A of the Act; and
  - (b) in the case of a certificate certifying that a printed image or message was produced by a prescribed process, is issued by the person who caused that image or message to be printed; and
  - (c) certifies that, to the best of the knowledge and belief of the person issuing the certificate, the matters set out in the certificate are true and correct.

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**PART 2—EVIDENCE RELATING TO ALCOHOL AND DRUG OFFENCES**

**201. Preliminary breath test devices**

The devices prescribed for the purposes of section 53 of the Act are the breath testing devices known as—

- (a) the Alcotest 80/A; and
- (b) the Lion Alcolmeter also known as the lion alcolmeter S-D2; and
- (c) the lion alcolmeter SD-400PA.

**202. Procedure for breath analysis**

It is a requirement for the proper operation of a breath analysing instrument that a person authorised under section 55(3) of the Act to operate a breath analysing instrument—

- (a) does not require a person to provide a breath sample for analysis until the authorised person is satisfied that the person has not consumed any alcohol for a period of at least 15 minutes before the analysis; and
- (b) provides a fresh mouthpiece for use by each person required to provide a breath sample; and
- (c) uses only a mouthpiece which, until required for taking a breath sample, has been kept in a sealed container.

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Reg. 203  
amended by  
S.R. No.  
114/2000  
reg. 10.

**203. Certificate under section 55(4)**

A certificate under section 55(4) of the Act must, in addition to the matters referred to in that section, contain the following particulars—

- (a) the serial number of the breath analysing instrument; and
- (b) the sample number; and
- (c) the location of the test; and
- (d) the name and date of birth of the person whose breath is analysed; and
- (e) the surname of the operator; and
- (f) the results of the self tests conducted by the breath analysing instrument before and after the person's breath is analysed; and
- (g) the results of zero tests conducted by the breath analysing instrument before and after the person's breath is analysed; and
- (h) the date and time the person's breath was analysed.

Reg. 204  
amended by  
S.R. Nos  
120/1999  
reg. 714(2),  
114/2000  
reg. 4.

**204. Procedure for taking blood sample**

If a blood sample is taken by a registered medical practitioner or an approved health professional for the purposes of the Act, the site of the puncture must be cleansed with a swab taken from a container which—

- (a) appears to be sealed against contamination; and
- (b) bears a label stating that the container holds an aqueous solution of chlorohexidine and cetrimide and no methylated spirits, alcohol, tincture of iodine or other substance containing alcohol.

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**205. Procedures after taking blood samples**

- (1) A registered medical practitioner or an approved health professional who takes a blood sample must ensure that—
- (a) the sample of blood is placed in 3 dry containers, each containing approximately the same amount of blood; and
  - (b) each container is vacuum sealed or sealed with a septum seal; and
  - (c) each container in which the sample is placed bears a label stating—
    - (i) that the container holds a specific anti-coagulant and preservative such as potassium oxalate and sodium fluoride; and
    - (ii) the name of the chemist, laboratory or pharmaceutical organisation that prepared it; and
  - (d) each container has attached to it a label bearing the signature of the registered medical practitioner or approved health professional, the date and the time the sample was taken, and the name of the person from whom the sample was taken or, if the name of the person is not known, sufficient information to enable the sample to be identified with the person from whom it was taken.
- (2) If a blood sample is taken under section 55 or 55B of the Act, the registered medical practitioner or approved health professional must give one of the containers to a member of the police force and another to the person from whom the sample was taken.

Reg. 205(1)  
amended by  
S.R. Nos  
120/1999  
reg. 714(3),  
114/2000  
reg. 5(1)(a).

Reg. 205(1)(d)  
amended by  
S.R. Nos  
120/1999  
reg. 714(3),  
114/2000  
reg. 5(1)(b).

Reg. 205(2)  
amended by  
S.R. Nos  
120/1999  
reg. 714(3),  
114/2000  
reg. 5(2)(a)(b).

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Reg. 205(3)  
amended by  
S.R. Nos  
120/1999  
reg. 714(3),  
114/2000  
reg. 5(3).

- (3) If a blood sample is taken under section 56 of the Act and has, in accordance with this regulation, been placed in containers which have been sealed and labelled, the doctor must ensure that—
- (a) one container is placed in a locked receptacle provided for the purpose at the place at which the sample was taken; and
  - (b) one container is placed and sealed in a container labelled "screening sample"; and
  - (c) one container is delivered to the person from whom the blood sample was taken or placed with that person's personal property at the place at which the sample was taken.

Reg. 206  
amended by  
S.R. No.  
114/2000  
reg. 10.

**206. Certificate under section 57(3)**

A certificate under section 57(3) of the Act must contain the following particulars—

Reg. 206(a)  
amended by  
S.R. Nos  
120/1999  
reg. 714(4),  
114/2000  
reg. 6(a).

- (a) a statement by the registered medical practitioner or approved health professional that the requirements of these Regulations for the taking of blood samples have been complied with; and
- (b) the name of the person from whom the blood sample was taken; and
- (c) the time and date the blood sample was taken; and
- (d) the name and signature of the registered medical practitioner or approved health professional who took the blood sample.

Reg. 206(d)  
amended by  
S.R. Nos  
120/1999  
reg. 714(4),  
114/2000  
reg. 6(b).



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**207. Certificate under section 57(4)**

A certificate under section 57(4) of the Act must, in addition to a statement as to the concentration of alcohol found in the sample of blood, contain the following particulars—

- (a) a statement by the analyst that he or she is an approved analyst within the meaning of section 57 of the Act; and
- (b) a statement as to the method of analysis used; and
- (c) the name and signature of the analyst; and
- (d) the date on which the analysis was conducted; and
- (e) a description of the contents of the identification label referred to in regulation 205(1)(d) attached to the container in which the blood sample is placed.

Reg. 207  
amended by  
S.R. No.  
114/2000  
reg. 10.

Reg. 207(e)  
amended by  
S.R. No.  
159/2004  
reg. 6.

**207A. Certificate under section 57(4A)**

A certificate under section 57(4A) of the Act must contain the following particulars—

- (a) a statement by the approved analyst that he or she is an approved analyst within the meaning of section 57 of the Act; and
- (b) a statement as to the method of analysis used; and
- (c) a statement that a substance that is, or is capable of being, a drug for the purposes of the Act was present in the sample of blood analysed; and
- (d) the name of the substance found to be present in the sample of blood analysed; and
- (e) the name and signature of the approved analyst; and

Reg. 207A  
inserted by  
S.R. No.  
114/2000  
reg. 7.

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Reg. 207A(g)  
amended by  
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- (f) the date on which the analysis was conducted; and
- (g) a description of the contents of the identification label referred to in regulation 205(1)(d) attached to the container in which the blood sample is placed.

Reg. 207B  
inserted by  
S.R. No.  
114/2000  
reg. 7.

**207B. Certificate under section 57(4B)**

A certificate under section 57(4B) of the Act must contain the following particulars—

- (a) a statement by the approved expert that he or she is an approved expert within the meaning of section 57 of the Act; and
- (b) a statement as to the usual effect of a specified substance or substances on behaviour when consumed or used (including its effect on a person's ability to drive properly); and
- (c) the name and signature of the approved expert.

Reg. 207C  
inserted by  
S.R. No.  
159/2004  
reg. 8.

**207C. Oral fluid testing devices**

- (1) The device prescribed for the purposes of section 55D of the Act is the oral fluid testing device known as the SECURETEC DRUGWIPE TWIN or the SECURETEC DRUGWIPE II TWIN.
- (2) The devices prescribed for the purposes of section 55E of the Act are—
  - (a) the oral fluid testing device known as the SECURETEC DRUGWIPE II TWIN COMBO;
  - (b) the oral fluid testing device known as the Cozart RapiScan.

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**207D. Procedure for carrying out preliminary oral fluid test**

Reg. 207D  
inserted by  
S.R. No.  
159/2004  
reg. 8.

For the purposes of section 55D of the Act, the prescribed procedure for carrying out a preliminary oral fluid test is that the member of the police force or person authorised under section 55D(2) of the Act who conducts the test—

- (a) provides a fresh oral fluid collection unit for use by a person required to provide a preliminary oral fluid sample; and
- (b) uses only an oral fluid collection unit that, until required for taking the oral fluid sample, has been kept in a sealed container; and
- (c) tests the oral fluid sample by using the device, or the oral fluid testing unit that is part of the device, that was used to obtain the sample.

**207E. Procedure for taking oral fluid samples under section 55E**

Reg. 207E  
inserted by  
S.R. No.  
159/2004  
reg. 8.

For the purposes of section 55E of the Act, an authorised officer, in taking an oral fluid sample, must—

- (a) provide a fresh oral fluid collection unit for use by each person required to provide an oral fluid sample; and
- (b) use only an oral fluid collection unit which, until required for taking the oral fluid sample, has been kept in a sealed container.

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Reg. 207F  
inserted by  
S.R. No.  
159/2004  
reg. 8.

**207F. Procedure after taking oral fluid sample**

An authorised officer who takes a sample of oral fluid under section 55E of the Act must ensure that the sample, or if the sample is broken into parts each part, has attached to it a label bearing—

- (a) the name and signature of the authorised officer who took the oral fluid sample; and
- (b) the date and time the sample was taken; and
- (c) the name of the person from whom the sample was taken or, if the name of the person is not known, sufficient information to enable the sample to be identified with the person from whom it was taken.

Reg. 207G  
inserted by  
S.R. No.  
159/2004  
reg. 8.

**207G. Certificate under section 57B(3)**

A certificate under section 57B(3) of the Act must contain the following particulars—

- (a) a statement by the person who carried out the oral fluid test that he or she is an authorised officer within the meaning of section 55E of the Act;
- (b) a statement as to whether the requirements of these Regulations for the taking and testing of oral fluid samples have been complied with;
- (c) a statement as to whether the result of the oral fluid tested indicated the oral fluid sample provided by the person contained a prescribed illicit drug;
- (d) the name of the person from whom the oral fluid sample was taken;
- (e) the time and date the oral fluid sample was taken;
- (f) the name and signature of the authorised officer who took the oral fluid sample.

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**207H. Certificate under section 57B(4)**

A certificate under section 57B(4) of the Act must, in addition to a statement as to the presence of a prescribed illicit drug in that sample of oral fluid, contain the following particulars—

- (a) a statement by the analyst that he or she is an approved analyst within the meaning of section 57B of the Act;
- (b) a statement as to the method of analysis used;
- (c) the name and signature of the analyst;
- (d) the date on which the analysis was conducted;
- (e) a description of the contents of the identification label referred to in regulation 207F that was attached to the part of the oral fluid received for analysis.

Reg. 207H  
inserted by  
S.R. No.  
159/2004  
reg. 8.

**208. Notice of immediate licence suspension**

(1) A notice for the purposes of section 51(1) of the Act must, in addition to the matters referred to in that section, contain the following particulars—

- (a) the name and address of the accused; and
- (b) a statement of the offence with which the accused is charged and, in the case of an offence under paragraph (b), (f) or (g) of section 49(1) of the Act, the alleged concentration of alcohol in the blood or breath (as the case requires) of the accused; and
- (ba) whether the person holds a full driver licence, a learner permit or a probationary driver licence; and

Reg. 208  
amended by  
S.R. No.  
114/2000  
reg. 8 (ILA  
s. 39B(2)).

Reg. 208(1)(b)  
amended by  
S.R. No.  
159/2004  
reg. 9(a).

Reg.  
208(1)(ba)  
inserted by  
S.R. No.  
114/2002  
reg. 4(1).

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Reg. 208(2)  
inserted by  
S.R. No.  
114/2000  
reg. 8.

- (c) the name and signature of the person who charged the accused; and
- (d) the date on which the notice was given to the accused.

- (2) A notice for the purposes of section 51(1A) of the Act must, in addition to the matters referred to in that section, contain the following particulars—
  - (a) the name and address of the accused; and
  - (b) a statement of the offence with which the accused is charged; and
  - (c) the name and signature of the person who charged the accused; and
  - (d) the date on which the notice was given to the accused.

Reg. 208(3)  
inserted by  
S.R. No.  
114/2002  
reg. 4(2).

- (3) A notice for the purposes of section 51(1B) of the Act must, in addition to the matters referred to in that section and in section 51(1C), contain the following particulars—

- (a) the name and address of the person to whom the notice is issued; and

Reg. 208(3)(b)  
amended by  
S.R. No.  
159/2004  
reg. 9(b).

- (b) a statement of the alleged concentration of alcohol in the blood or breath (as the case requires) of the person to whom the notice is issued; and

- (c) whether the person holds a full driver licence, a learner permit or a probationary driver licence; and

- (d) the name and signature of the person who issued the notice; and

- (e) the date on which the notice was issued.

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**209. Particulars of report of assessment of drug impairment**

Reg. 209  
inserted by  
S.R. No.  
114/2000  
reg. 9.

For the purposes of section 55B(5) of the Act, a report of assessment of drug impairment must contain the following particulars—

- (a) particulars of the identity of the person on whom the assessment was carried out, including, if known, the person's name, address, date of birth and gender;
- (b) the date and time at which the person underwent the assessment;
- (c) the place at which the person underwent the assessment;
- (d) the time (if any) reported to the member of the police force carrying out the assessment as the latest time the person drove, was in charge of or was an occupant of a motor vehicle;
- (e) whether the person underwent a preliminary breath test in accordance with section 53 of the Act or furnished a sample of breath for analysis by a breath analysing instrument and, if so, the result of the test or analysis, if known;
- (f) the record of interview of the person carried out by the member of the police force carrying out the assessment;
- (g) particulars of any medical treatment sought by or for the person;
- (h) any statements made by the person concerning a drug or drugs;

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- (i) any observations made by the member of the police force carrying out the assessment of the person in relation to—
- (i) any apparent injury or illness of the person;
  - (ii) whether the person smelt of intoxicating liquor;
  - (iii) the person's speech;
  - (iv) the person's eyes;
  - (v) the person's breathing;
  - (vi) the person's skin;
  - (vii) the person's movement;
  - (viii) the person's balance;
  - (ix) the state of the person's clothing;
  - (x) the person's actions;
  - (xi) the person's demeanour;
  - (xii) any physical signs of drug use by the person;
  - (xiii) the person's ability to comprehend instructions;
  - (xiv) the person's ability to divide attention;
  - (xv) whether the person, during the assessment, exhibited signs that indicated that the person was impaired by a drug or drugs;
- (j) whether the assessment, in the opinion of the member of the police force carrying it out, indicates that the person may be impaired by a drug or drugs;
- (k) the name, rank, station and signature of the member of the police force carrying out the assessment.
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**210. Procedure for collecting urine sample**

A registered medical practitioner or an approved health professional who collects a urine sample for the purposes of the Act must ensure that the sample is collected in a container which is clean and dry and which has not previously been used.

Reg. 210  
inserted by  
S.R. No.  
159/2004  
reg. 10.

**211. Procedures after collecting urine samples**

A registered medical practitioner or an approved health professional who collects a urine sample must ensure that—

Reg. 211  
inserted by  
S.R. No.  
159/2004  
reg. 10.

- (a) the urine sample is placed in 2 dry containers, each containing approximately the same amount of urine; and
- (b) each container is fitted with a tamper proof locking seal; and
- (c) each container has attached to it a label bearing—
  - (i) the signature of the registered medical practitioner or approved health professional who collected the urine sample;
  - (ii) the date and the time the sample was collected;
  - (iii) the name of the person from whom the sample was collected or, if the name of the person is not known, sufficient information to enable the sample to be identified with the person from whom it was collected.

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Reg. 212  
inserted by  
S.R. No.  
159/2004  
reg. 10.

**212. Certificate under section 57A(3)**

A certificate under section 57A(3) of the Act must contain the following particulars—

- (a) a statement by the registered medical practitioner or approved health professional as to whether the requirements of the Act and these Regulations for the collection of urine samples have been complied with;
- (b) the name of the person from whom the urine sample was collected or, if the name of the person is not known, sufficient information to enable the sample to be identified with the person from whom it was collected;
- (c) the time and date the urine sample was collected;
- (d) the name and signature of the registered medical practitioner or approved health professional who collected the urine sample.

Reg. 213  
inserted by  
S.R. No.  
159/2004  
reg. 10.

**213. Certificate under section 57A(4)**

A certificate under section 57A(4) of the Act must contain the following particulars—

- (a) a statement by the analyst that he or she is an approved analyst within the meaning of section 57A of the Act;
- (b) a statement as to the method of analysis used;
- (c) a statement that a substance that is, or is capable of being, a drug for the purposes of the Act was present in the urine sample analysed;
- (d) the name of the substance found to be present in the urine sample analysed;
- (e) the concentration of the substance found to be present in the urine sample analysed;

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- (f) the name and signature of the analyst;
  - (g) the date on which the analysis was conducted;
  - (h) a description of the contents of the identification label referred to in regulation 211(c) attached to the container in which the urine sample is placed.

**214. Certificate under section 57A(5)**

A certificate under section 57A(5) of the Act must contain the following particulars—

Reg. 214  
inserted by  
S.R. No.  
159/2004  
reg. 10.

- (a) a statement by the expert that he or she is an approved expert within the meaning of section 57A of the Act;
  - (b) a statement as to the usual effect of a specified substance or substances on behaviour when consumed or used in that concentration (including its effect on a person's ability to drive properly);
  - (c) the name and signature of the approved expert.
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**PART 3—EVIDENCE RELATING TO SPEEDING AND  
OTHER OFFENCES**

**Division 1—Automatic detection devices**

**301. Offences detected by automatic detection devices**

For the purposes of section 66 of the Act the prescribed offences which may be detected by an automatic detection device are—

- (a) exceeding the applicable speed limit; and
- (b) disobeying a traffic control signal; and
- (c) driving in a bus lane or transit lane when not permitted to do so; and
- (d) owning or using a motor vehicle or trailer that is not registered in accordance with the Act.

**302. Automatic detection devices**

For the purposes of section 66 of the Act, the prescribed detection devices are—

- (a) the automatic detection device known as the Gatso Meter R.L.C; and
- (b) the automatic detection device known as the Traffipax Speedophot Radar Unit; and
- (c) the automatic detection device known as the Gatsometer MRC System; and
- (d) the automatic detection device known as the Locktronics LaserCam Plus System; and

Reg. 302(c)  
amended by  
S.R. No.  
88/2000 reg. 5.

Reg. 302(d)  
inserted by  
S.R. No.  
88/2000 reg. 5.

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| (e) the automatic detection device known as the Redflex SMARTCAM Speed System; and        | Reg. 302(e) inserted by S.R. No. 88/2000 reg. 5, amended by S.R. No. 90/2002 reg. 5(a).     |
| (f) the automatic detection device known as the Poltech SafeCam Mk 1; and                 | Reg. 302(f) inserted by S.R. No. 90/2002 reg. 5(b), amended by S.R. No. 87/2003 reg. 5(a).  |
| (g) the automatic detection device known as the DCD ROBOT Digital Smart Camera; and       | Reg. 302(g) inserted by S.R. No. 87/2003 reg. 5(b).   |
| (h) the automatic detection device known as the Poltech SafeCam Red Light/Speed Mk 1; and | Reg. 302(h) inserted by S.R. No. 87/2003 reg. 5(b).   |
| (i) the automatic detection device known as the REDFLEXred-speed system; and              | Reg. 302(i) inserted by S.R. No. 87/2003 reg. 5(b), amended by S.R. No. 120/2005 reg. 5(a). |
| (j) the automatic detection device known as the REDFLEXred-speed HDX system; and          | Reg. 302(j) inserted by S.R. No. 120/2005 reg. 5(b).  |
| (k) the automatic detection device known as the REDFLEXlasercam FDSC.                     | Reg. 302(k) inserted by S.R. No. 120/2005 reg. 5(b).  |

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Reg. 303  
amended by  
S.R. Nos  
88/2000  
reg. 6(a),  
172/2001  
reg. 6, 90/2002  
reg 6(a).

**303. Use of automatic detection devices**

For the purposes of sections 79, 80, 80A, 81, 83A(1) and 84(7) of the Act, an automatic detection device is used in the prescribed manner if—

Reg. 303(a)  
amended by  
S.R. No.  
88/2000  
reg. 6(b).

- (a) in the case of a device referred to in regulation 302(a), the person placing or removing the device or loading or unloading the film magazine into or from the device—
  - (i) checks the time, date and location code in the display of the device and makes any corrections that may be necessary to ensure that the correct data is displayed on the photograph printed from the reversal or negative film produced by the device; and
  - (ii) checks the vehicle detector system to ensure that it is correctly monitoring the movement of vehicles at the location in the relevant direction of travel; and
  - (iii) tests the device to ensure the correct activation of the device by vehicles passing over the detectors; and
  - (iv) ensures that when the device is installed and left unattended it is kept in a locked housing; and
- (b) in the case of a device referred to in regulation 302(b) and (c)—
  - (i) the device is used in accordance with operating instructions approved by a testing officer; and

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- (ii) the device has been tested in accordance with regulation 306 or the corresponding previous regulation within 12 months before the occasion of its use; and
- (iii) the device has been sealed in accordance with regulation 307 or the corresponding previous regulation; and
- (c) in the case of a device referred to in regulation 302(d), (e), (f), (g), (h), (i), (j) or (k)—
- (i) the speed calculation unit has been tested in accordance with regulation 306 within 2 years before the occasion of its use; and
- (ii) the vehicle detectors have been placed across the road (whether on or under the surface of the road) and are approximately parallel to each other and separated as specified by the manufacturer; and
- (iii) the speed calculation unit has been sealed in accordance with regulation 307; and
- (iv) a person placing or removing the speed calculation unit or the control unit, or loading or unloading removable storage media, if any, into or from the control unit, or switching on or resetting the control unit after it has been inoperable for any reason—
- (A) checks the time, date and location code and makes any corrections that may be necessary to ensure
- Reg. 303(b)(iii) amended by S.R. No. 88/2000 reg. 6(c).
- Reg. 303(c) inserted by S.R. No. 88/2000 reg. 6(c), amended by S.R. Nos 90/2002 reg. 6(b), 87/2003 reg. 6, 120/2005 reg. 6.
- Reg. 303(c)(iv) amended by S.R. No. 132/2004 reg. 5.

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that the correct data is recorded in the digital file; and

- (B) checks that the vehicle detectors are correctly responding to the movement of vehicles at the location; and
- (C) ensures that when the speed calculation unit and control unit are installed and left unattended they are kept in one or more locked housings.

Reg.  
303(c)(iv)(C)  
amended by  
S.R. No.  
90/2002  
reg. 6(c).

**304. Interference with automatic detection devices**

A person must not, without proper authority, wilfully interfere with an automatic detection device or any seal affixed to such a device or any housing in which such a device is placed or installed.

Penalty: 5 penalty units.

**Division 2—Speed measuring devices**

**305. Prescribed speed measuring devices**

For the purposes of sections 74 and 79 of the Act, the prescribed speed measuring devices are—

- (a) an automatic detection device referred to in regulation 302(b), (c), (d), (e), (f), (g), (h), (i), (j) or (k); and
- (b) a digitector; and
- (c) a laser device; and
- (d) a radar device.

Reg. 305(a)  
amended by  
S.R. Nos  
88/2000 reg. 7,  
90/2002 reg. 7,  
87/2003 reg. 7,  
120/2005  
reg. 7.



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**306. Testing of speed measuring devices**

For the purposes of sections 79, 81 and 84(7) of the Act, a speed measuring device is tested in the prescribed manner if the testing officer who tests the device—

Reg. 306  
amended by  
S.R. No.  
90/2002  
reg. 8(a).

- (a) is satisfied that the device is in a satisfactory electrical condition and, in particular, that any maintenance carried out on the device has been carried out in a satisfactory manner; and
- (b) is satisfied that the device is properly calibrated so that it operates within the following limits of error—
  - (i) in the case of a digitector or an automatic detection device referred to in regulation 302(d), (e), (f), (g), (h), (i), (j) or (k), the time intervals at which calibration is effected indicate speed readings within a limit of error not greater than or less than 2 kilometres per hour of the true speeds determinable from those intervals; and
  - (ii) in the case of an automatic detection device referred to in regulation 302(b) and (c), the frequencies or speeds at which calibration is effected indicate speed readings within a limit of error not greater than or less than 3 kilometres per hour or 3 per cent (whichever is greater) of the true speeds determinable from those frequencies or speeds;
  - (iii) in the case of a laser device, not more than 2 kilometres per hour greater than or less than the true speeds determinable from those tests; and

Reg. 306(b)(i)  
amended by  
S.R. Nos  
88/2000 reg. 8,  
90/2002  
reg. 8(b),  
87/2003 reg. 8,  
120/2005  
reg. 8.

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- (iv) in the case of a radar device, the frequencies generated at which calibration is effected indicate speed readings within a limit of error not greater than or less than 2 kilometres per hour of the true speeds determinable from those frequencies; and
- (c) records and retains the results of the test, including—
  - (i) a statement showing the frequencies or speeds at which the calibration was effected and the number of times that each frequency or speed the calibration was effected; and
  - (ii) the date of the test and the ambient temperature at the time of the test.

Reg. 307 substituted by S.R. No. 88/2000 reg. 9, amended by S.R. No. 90/2002 reg. 9(a).

**307. Sealing of speed measuring devices**

A prescribed speed measuring device is sealed in the prescribed manner for the purposes of sections 79, 81 and 84(7) of the Act if—

Reg. 307(a) amended by S.R. Nos 90/2002 reg. 9(b), 87/2003 reg. 9, 120/2005 reg. 9.

- (a) in the case of an automatic detection device referred to in regulation 302(d), (e), (f), (g), (h), (i), (j) or (k), the speed calculation unit of the device is sealed—
  - (i) by the testing officer who carried out the test under regulation 306; and
  - (ii) with a seal that effectively prevents interference with the time measuring or speed computing components of the speed calculation unit without breaking the seal; and

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- (b) in the case of any other speed measuring device, the device is sealed—
    - (i) by the testing officer who carried out the test under regulation 306; and
    - (ii) with a seal that effectively prevents interference with the time measuring or speed computing components of the device without breaking the seal; and
  - (c) the testing officer who sealed the speed calculation unit or device (as the case requires) inserts a signed record of the following particulars in a record kept for the purpose—
    - (i) the identification number of the speed calculation unit or the device (as the case requires); and
    - (ii) the date on which the test was carried out; and
    - (iii) the manner in which the speed calculation unit or device (as the case requires) was sealed.

**308. Use of digitectors**

A digitector is used in the prescribed manner for the purposes of sections 79 of the Act if—

- (a) the two vehicle detectors which form part of the digitector are, when used with the time measuring and speed computing components of the device for determining the speed at which a motor vehicle travels on a road, positioned across the road approximately parallel to each other at a distance of 25 metres apart within a limit of error that is not greater than 75 millimetres; and

- (b) the digitector has been tested in accordance with regulation 306 or the corresponding previous regulation within a period of two years before the occasion of its use; and
- (c) the digitector has been sealed in accordance with regulation 307 or the corresponding previous regulation.

**309. Use of laser devices**

A laser device is used in the prescribed manner for the purposes of section 79 of the Act if—

- (a) whenever the operator connects the laser device to a source of electricity, the operator ensures that all elements of the speed display are illuminated; and
- (b) the operator activates the device with the device aimed in the direction of a motor vehicle within the operator's field of vision and observes the reading displayed on the digital speed display; and
- (c) the device has been tested in accordance with regulation 306 or the corresponding previous regulation within 12 months before the occasion of its use; and
- (d) the device has been sealed in accordance with regulation 307 or the corresponding previous regulation.

**310. Use of radar devices**

A radar device is used in the prescribed manner for the purposes of section 79 of the Act if—

- (a) whenever the operator connects the radar device to a source of electricity, the operator ensures that a reading of (888) is displayed on the digital speed display; and

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- (b) the doppler audio signal of the radar device is set at a level clearly audible to the operator who may take a reading if the signal indicates normal operation; and
- (c) in the case of the Kustom HR4 and the Kustom Falcon, the operator activates the device with the device aimed in the direction of a motor vehicle within the operator's field of vision and observes the reading displayed on the digital speed display; and
- (d) in the case of the Kustom KR-10SP, the Kustom Golden Eagle and the Kustom Silver Eagle, the operator activates the device with the antenna set in the direction of a motor vehicle within the operator's field of vision and observes the reading displayed on the digital speed display; and
- (e) the device has been tested in accordance with regulation 306 or the corresponding previous regulation within 12 months before the occasion of its use; and
- (f) the device has been sealed in accordance with regulation 307 or the corresponding previous regulation.

Reg. 310(d)  
amended by  
S.R. No.  
88/2000  
reg. 10.

**311. Certificate as to testing and sealing of speed measuring devices**

- (1) For the purposes of section 83 of the Act, a certificate in relation to the testing and sealing of a speed measuring device is in the prescribed form if it is in the form set out in Schedule 2.
- (2) A testing officer is authorised to sign a certificate referred to in sub-regulation (1).

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**312. Interference with speed measuring device**

A person must not, without proper authority, wilfully interfere with the time measuring or speed computing components of a speed measuring device or any seal affixed to such a device.

Penalty: 5 penalty units.

**Division 3—Prescribed Processes**

Pt 3 Div. 3  
(Heading and  
reg. 313)  
inserted by  
S.R. No.  
88/2000  
reg. 11.

**313. Process for production of printed image**

(1) An image or message is produced by a prescribed process for the purposes of sections 80(b), 80A, 81(1)(c) and 81(2) of the Act if—

Reg. 313  
inserted by  
S.R. No.  
88/2000  
reg. 11,  
amended by  
S.R. No.  
172/2001  
reg. 7.

Reg. 313(1)(a)  
amended by  
S.R. No.  
120/2005  
reg. 10(1)(a).

- (a) a printed image is produced from a digital file created by a control unit; and
- (b) the data contained in the digital file has been verified by a computer—

Reg. 313(1)  
(b)(i)  
amended by  
S.R. No.  
120/2005  
reg. 10(1)(b).

- (i) recalculating the checksum produced by the control unit for that file; and
- (ii) confirming that the checksum produced by the recalculation is identical to the checksum contained in that file; and

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(c) the printed image contains an image derived from the digital image (with or without decompressing the digital image) and a message indicating—

(i) the date on which, and the time and place at which, the vehicle was driven; and

(ii) if the printed image is relevant to an offence of exceeding a speed limit, the speed limit at the time and place at which the vehicle was driven and the speed at which the vehicle was driven; and

(iii) if the printed image is relevant to an offence of disobeying a traffic control signal, the length of time for which that traffic control signal had been red.

**Reg. 313(1)  
(c)(ii)  
substituted by  
S.R. No.  
132/2004  
reg. 6(1).**

**Reg. 313(1)  
(c)(iii)  
substituted by  
S.R. No.  
132/2004  
reg. 6(1).**

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**Reg. 313(2)  
amended by  
S.R. No.  
132/2004  
reg. 6(2),  
revoked by  
S.R. No.  
120/2005  
reg. 10(2).**

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Pt 3A  
(Heading and  
regs 314–317)  
inserted by  
S.R. No.  
82/2006 reg. 4.

**PART 3A—VEHICLE IMPOUNDMENT, IMMOBILISATION  
AND FORFEITURE**

Reg. 314  
inserted by  
S.R. No.  
82/2006 reg. 4.

**314. Notice to driver and registered operator**

A notice under section 84K of the Act must contain the following particulars—

- (a) the driver's address, sex and date of birth;
- (b) the number, type and expiry date of the driver's driver licence;
- (c) if the driver is not the registered operator of the motor vehicle, the name, address and other details of the registered operator;
- (d) if the motor vehicle is moved to a holding yard by use of a tow truck, the name of the operator of the tow truck;
- (e) the details of the member of the police force who seized the motor vehicle or required it to be surrendered;
- (f) advice that it is an offence to move an impounded motor vehicle without authorisation;
- (g) if the notice is given to the registered operator of the motor vehicle who is not the owner or sole owner of the motor vehicle, advice that the registered operator must take reasonable steps to serve a copy of the notice on any owner as soon as reasonably practicable.



*Road Safety (General) Regulations 1999*  
*S.R. No. 27/1999*

Part 3A—Vehicle Impoundment, Immobilisation and Forfeiture

r. 315

**315. Evidence of identity and entitlement to recover vehicle**

Reg. 315  
inserted by  
S.R. No.  
82/2006 reg. 4.

- (1) For the purposes of section 84Q of the Act, satisfactory evidence of the identity and entitlement to recover a motor vehicle of a person who is the registered operator of the motor vehicle is the production of the person's current driver licence bearing a photograph of the person.
- (2) For the purposes of section 84Q of the Act, satisfactory evidence of the identity and entitlement to recover a motor vehicle of a person who is not the registered operator of the motor vehicle is—
  - (a) the production of the person's current driver licence bearing a photograph of the person; and
  - (b) the certificate of registration for the motor vehicle issued by the Corporation; and
  - (c) a written statement signed by the registered operator authorising the release of the motor vehicle to the person.

**316. Form of search and seizure warrant**

For the purposes of section 84ZH(4) of the Act, the prescribed form of a search and seizure warrant is the form in Schedule 2A.

Reg. 316  
inserted by  
S.R. No.  
82/2006 reg. 4.

**317. Form of report on execution of warrant**

For the purposes of section 84ZO(2) of the Act, the prescribed form of a report on the execution of a search and seizure warrant is the form in Schedule 2B.

Reg. 317  
inserted by  
S.R. No.  
82/2006 reg. 4.

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**PART 4—EVIDENCE RELATING TO MASS OF VEHICLES**

**Division 1—Portable weighing devices**

**401. Prescribed portable weighing devices**

A portable weighing device is a prescribed device for the purposes of section 82 of the Act.

**402. Testing of portable weighing devices**

- (1) For the purposes of section 82 of the Act, a portable weighing device is tested in the prescribed manner if—
  - (a) the load applied for the purposes of testing a portable weighing device is one tonne or more for a single device and 2 tonnes or more for a pair of devices; and
  - (b) the Engineering Department is satisfied that the device operates within the limits of error in regulation 403; and
  - (c) in the case of portable weighing devices tested in pairs—
    - (i) each device so tested is used only with the other device with which it was tested; and
    - (ii) the prescribed limit of error is calculated on the sum of the readings of the two devices; and
    - (iii) the devices so tested are either passed or failed together; and
  - (d) the Engineering Department keeps full and accurate records of all portable weighing devices tested, including—
    - (i) the identification number of each device; and

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- (ii) the date on which the test was carried out; and
  - (iii) the results of the test; and
  - (e) the records of the test are signed by the person in the Engineering Department who carried out the test.
- (2) A portable weighing device must be tested by the Engineering Department—
- (a) before it is first used; and
  - (b) at least once every 12 months after it is first used.

**403. Prescribed limits of error for portable weighing devices**

The prescribed limit of error for a portable weighing device for the purposes of section 82 of the Act is not more than 2 per cent greater than or less than the weight at which calibration is effected.

**404. Sealing of portable weighing devices**

- (1) For the purposes of section 82 of the Act, a portable weighing device is sealed in the prescribed manner if—
- (a) the device has been tested in accordance with regulations 402 and 403 and the device has satisfied the test requirements; and
  - (b) the device is sealed by the person in the Engineering Department who carried out the test; and
  - (c) the device is sealed with a seal which effectively prevents interference with the mechanism or circuitry of the device without breaking the seal; and
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- (d) the Engineering Department keeps full and accurate records of all portable weighing devices sealed, including—
    - (i) the identification number of each device sealed; and
    - (ii) the date on which the device was sealed; and
    - (iii) the manner in which the device was sealed; and
  - (e) the records in paragraph (d) are signed by the person in the Engineering Department who sealed the device.
- (2) If at any time after a portable weighing device is sealed a repair, alteration or adjustment (other than setting the reading to zero) is made to its mechanism or circuitry, the device must be tested again in accordance with regulation 402 and sealed again in accordance with this regulation.

**405. Use of portable weighing devices**

A portable weighing device is used in the prescribed manner for the purposes of section 82 of the Act if—

- (a) to ascertain the mass carried on a single axle—
  - (i) the device is placed under each of any two tyres on the axle so that the whole mass borne by the axle is borne by or on the device; and
  - (ii) the reading on the device used to ascertain the mass is taken while the axle load is borne by the device; and

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- (iii) in the case of more than one device being used to ascertain the mass, the mass carried on the axle is calculated as the sum of the readings of each of the devices less the deductions specified by the National Association of Australian State Road Authorities in its "Guidelines for weighing of vehicles" for the type of device, site condition and method of weighing used; and
  - (b) to ascertain the mass carried on a group of axles, the mass carried on the axles is calculated as the sum of the mass carried on the axles comprising the group less the deductions specified by the National Association of Australian State Road Authorities in its "Guidelines for weighing of vehicles" for the type of device, site condition and method of weighing used.

**406. Certificate of testing and sealing portable weighing devices**

- (1) For the purposes of section 83 of the Act, a certificate in relation to the testing and sealing of a portable weighing device is in the prescribed form if it is in the form set out in Schedule 2.
- (2) A person in the Engineering Department who tests and seals portable weighing devices is authorised to sign a certificate for the purposes of section 83 of the Act.

**407. Interference with portable weighing device**

A person must not, without proper authority, wilfully interfere with the mechanism or circuitry of a portable weighing device or the seal affixed to such a device.

Penalty: 5 penalty units.

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**Division 2—Dynamic axle weighing devices**

**408. Prescribed dynamic axle weighing devices**

A dynamic axle weighing device is a prescribed device for the purposes of section 82 of the Act.

**409. Testing of dynamic axle weighing devices**

For the purposes of section 82 of the Act, a dynamic axle weighing device is tested in the prescribed manner if—

- (a) the testing authority is satisfied that the dynamic axle weighing device is properly operating and is in a satisfactory condition and, in particular, that any maintenance carried out on the device has been carried out in a satisfactory manner; and
- (b) the testing authority is satisfied that the device operates within the limits of error in regulation 410;
- (c) the testing authority keeps full and accurate records of all dynamic axle weighing devices tested, including—
  - (i) the identification number of each device; and
  - (ii) the date on which the test was carried out; and
  - (iii) the results of the test; and
- (d) the records in paragraph (c) are signed by the testing authority that, or a person authorised by the testing authority who, carried out the test.

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**410. Prescribed limits of error for dynamic axle weighing devices**

The prescribed limits of error for a dynamic axle weighing device for the purposes of section 82 of the Act are the administrative tolerances specified by the National Association of Australian State Road Authorities in its "Guidelines for weighing of vehicles".

**411. Use of dynamic axle weighing devices**

A dynamic axle weighing device is used in the prescribed manner for the purposes of section 82 of the Act if—

- (a) the device is used by a person who is a member of the police force or an authorised officer of the Corporation; and
- (b) the device has been tested by a testing authority within the preceding 12 months; and
- (c) the fixed parts of the device have been installed or re-installed to the satisfaction of an authorised officer of the Corporation; and
- (d) a licensed surveyor or registered surveyor (within the meaning of the **Surveyors Act 1978**) has—
  - (i) in the preceding 12 months, issued a certificate that the weighing platform and approaches meet the applicable standards published by Corporation in the Government Gazette from time to time; or

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- (ii) if the weighing platform approaches have been altered or re-installed, re-surveyed the weighing platform and approaches and issued a certificate referred to in sub-regulation (i) after the completion of the alteration or the re-installation.

**412. Certificate of testing dynamic axle weighing devices**

- (1) For the purposes of section 83 of the Act, a certificate in relation to the testing of a dynamic axle weighing device is in the prescribed form if it is in the form set out in Schedule 2.
- (2) A testing authority, or a person authorised by a testing authority, is authorised to sign a certificate referred to in sub-regulation (1).

**413. Interference with dynamic axle weighing devices**

A person must not, without proper authority, wilfully interfere with the mechanism or circuitry of a dynamic axle weighing device.

Penalty: 5 penalty units.

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*Road Safety (General) Regulations 1999*  
*S.R. No. 27/1999*

Part 4A—Notice of Reasonable Steps Defence

r. 414

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**PART 4A—NOTICE OF REASONABLE STEPS DEFENCE**

**Pt 4A**  
**(Heading and**  
**reg. 414)**  
**inserted by**  
**S.R. No.**  
**126/2005**  
**reg. 4.**

**414. Information to be provided regarding reasonable steps defence**

**Reg. 414**  
**inserted by**  
**S.R. No.**  
**126/2005**  
**reg. 4.**

A traffic infringement notice to which the reasonable steps defence applies must be accompanied by a notice—

- (a) advising the person to whom it is to be issued that that defence applies to the offence; and
- (b) setting out a copy of sections 179 and 180 of the Act.

Note: This regulation applies to the following offences under the **Road Safety Act 1986**—

- (a) a breach of section 174 or 175 where the vehicle is in breach of a mass limit that is a substantial risk breach, so far as the reasonable steps defence relates to reliance on the weight stated in a container weight declaration; and
  - (b) a breach of section 184, 185 or 186.
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*Road Safety (General) Regulations 1999*  
*S.R. No. 27/1999*

Part 4B—Inspections and Searches Concerning Heavy Vehicles

r. 415

Pt 4B  
(Heading and  
regs 415, 416)  
inserted by  
S.R. No.  
126/2005  
reg. 4.

**PART 4B—INSPECTIONS AND SEARCHES CONCERNING  
HEAVY VEHICLES**

Reg. 415  
inserted by  
S.R. No.  
126/2005  
reg. 4.

**415. Embargo notice**

An embargo notice under section 142(2) of the Act must contain the following details in addition to the matters required by sections 142(4)(b) and 142(4)(c) of the Act—

- (a) a description of the thing that has been embargoed; and
- (b) either the name of the person on whom the notice was served or a statement that the notice has been affixed to the thing; and
- (c) the name, signature and business telephone number of the inspector who issued the notice; and
- (d) the date on which the notice was served or affixed.

Reg. 416  
inserted by  
S.R. No.  
126/2005  
reg. 4.

**416. Information to be provided by registered operator**

- (1) For the purposes of section 201(5) of the Act, in addition to the name and address of the operator of the vehicle at the time of the offence ("the operator"), the registered operator must include the following information in a statutory declaration made for the purposes of that section—
  - (a) if the vehicle was not physically connected to any other vehicle at the time of the offence—

*Road Safety (General) Regulations 1999*  
*S.R. No. 27/1999*

Part 4B—Inspections and Searches Concerning Heavy Vehicles

r. 416

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- (i) a statement setting out by, or under, what or whose authority (whether oral or written) the operator had control, use or management of the vehicle at the time of the offence; and
  - (ii) the address of any premises (other than the address of the operator) from which the operator, or a person acting on behalf of the operator, had the control, use or management of the vehicle at the time of the offence;
- (b) if the vehicle was part of a group of vehicles that were physically connected at the time of the offence—
- (i) if the vehicle was the towing a vehicle, the name and address of the operator of every other vehicle forming part of the group at the time of the offence; and
  - (ii) if the vehicle was a trailer, the name and address of the operator of the towing vehicle; and
  - (iii) a statement setting out by, or under, what or whose authority (whether oral or written) the operator had control, use or management of the vehicle at the time of the offence; and
  - (iv) the address of any premises (other than the address of the operator) from which the operator, or a person acting on behalf of the operator, had the control, use or management of the vehicle at the time of the offence.
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*Road Safety (General) Regulations 1999*  
*S.R. No. 27/1999*

Part 4B—Inspections and Searches Concerning Heavy Vehicles

r. 416

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- (2) For the purpose of section 201(5) of the Act, the time within which the statutory declaration must be given to the Corporation is—
- (a) before, or within 28 days after, the service of a summons in respect of the offence; or
  - (b) if an infringement notice was served on the registered operator in respect of the offence, before the infringement penalty is registered under Schedule 7 to the **Magistrates' Court Act 1989**.
- (3) For the purpose of section 201(5) of the Act, the statutory declaration must be given to the Corporation by delivering it personally or by post.
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**PART 5—PARKING INFRINGEMENTS**

**501. Service of parking infringement notices**

- (1) For the purposes of section 87 of the Act, a parking infringement notice may be served—
- (a) by giving the notice personally to the person who appears to have committed the infringement or any person who is driving or appears to be in charge of the vehicle; or
  - (b) by fixing or securing the notice to the vehicle as set out in sub-regulation (2); or
  - (c) by serving the notice in accordance with section 93 of the Act on the registered operator of the vehicle or, if the name and address of a person has been supplied under section 86(3) of the Act, on that person.
- (2) If a parking infringement notice is served by fixing or placing the notice on a vehicle, the notice must be fixed or placed in a position which will be conspicuous to the driver of the vehicle—
- (a) by affixing an adhesive portion of the notice or a separate adhesive seal to the vehicle; or
  - (b) by securing the notice under a windscreen wiper blade of the vehicle.

Reg. 501(1)(c)  
substituted by  
S.R. No.  
158/2006  
reg. 3.

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Reg. 502  
revoked by  
S.R. No.  
158/2006  
reg. 4.

**503. Summaries of parking infringements in Schedule 3**

A summary of a parking infringement in Schedule 3 is not to be taken to affect the nature or elements of the infringement to which the summary refers or the operation of these Regulations.

Reg. 503  
inserted by  
S.R. No.  
120/1999  
reg. 709.

*Road Safety (General) Regulations 1999*  
*S.R. No. 27/1999*

Part 6—Traffic Infringements

r. 601

**PART 6—TRAFFIC INFRINGEMENTS**

Reg. 601  
amended by  
S.R. No.  
120/1999  
reg. 710 (ILA  
s. 39B(2)).

**601. Prescribed traffic infringements**

- (1) For the purposes of the definition of "traffic infringement" in section 3 of the Act, an offence set out in Schedule 4 is a prescribed offence for the purposes of Part 7 of the Act.
- (2) A summary of an offence set out in Schedule 4 is not to be taken to affect the nature or elements of the offence to which the summary refers or the operation of these Regulations.

Reg. 601(2)  
inserted by  
S.R. No.  
120/1999  
reg. 710.

Reg. 602  
revoked by  
S.R. No.  
158/2006  
reg. 4.

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**603. Prescribed particulars of traffic infringement notice**

Reg. 603(1)  
amended by  
S.R. No.  
158/2006  
reg. 5(a).

- (1) For the purposes of section 88(2)(c) of the Act, the additional prescribed details of a traffic infringement notice are—

Reg.  
603(1)(a)(b)  
revoked by  
S.R. No.  
158/2006  
reg. 5(b).

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- (c) the name and address of the person alleged to have committed the infringement or, if the notice is issued in respect of an offence referred to in regulation 301, the words "The Owner"; and

Reg. 603(1)(d)  
revoked by  
S.R. No.  
158/2006  
reg. 5(b).

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*Road Safety (General) Regulations 1999*  
*S.R. No. 27/1999*

Part 6—Traffic Infringements

r. 603

- (e) if the alleged traffic infringement arises out of driving or being in charge of a motor vehicle or trailer, the registered number or other identification of the motor vehicle or trailer;
- (f) if the traffic infringement notice relates to an alleged offence prescribed by regulation 301, it states that it is an infringement notice in relation to an offence detected by an automatic detection device; and
- (g) if the traffic infringement notice relates to an alleged drink-driving infringement or excessive speed infringement—
  - (i) it states that it is issued in respect of a drink-driving infringement or excessive speed infringement (as the case requires);
  - (ii) it states that unless a notice of objection is received at the address specified in the notice within 28 days after the date of the notice, the notice will take effect as a conviction and will result in cancellation or suspension of the licence or permit of the person on whom it is served;

Reg. 603(1)(g)(ii) amended by S.R. No. 158/2006 reg. 5(c).

*	*	*	*	*	Reg. 603(1)(g)(iii) amended by S.R. No. 159/2004 reg. 11(1), revoked by S.R. No. 158/2006 reg. 5(d).
*	*	*	*	*	Reg. 603(1)(g)(iv) revoked by S.R. No. 158/2006 reg. 5(d).

*Road Safety (General) Regulations 1999*  
*S.R. No. 27/1999*

Part 6—Traffic Infringements

r. 603

Reg. 603(1)  
(ga)  
inserted by  
S.R. No.  
159/2004  
reg. 11(2).

(ga) if the traffic infringement notice relates to an alleged drug-driving infringement it states that—

(i) it is issued in respect of a drug-driving infringement;

Reg. 603(1)  
(ga)(ii)  
amended by  
S.R. No.  
158/2006  
reg. 5(e).

(ii) unless a notice of objection is received at the address specified in the notice within 28 days after the date of the notice, the notice will take effect as a conviction;

Reg.  
603(1)(h)–(l)  
revoked by  
S.R. No.  
158/2006  
reg. 5(b).

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(m) the name and location of the member of the police force, officer of the Corporation, officer of the Department of Infrastructure or other person authorised in accordance with section 88(1) of the Act who issued the notice;

(n) if the notice is issued in respect of an offence prescribed in regulation 301, a statement that a copy of the image or message produced by an automatic detection device of the alleged traffic infringement may be inspected or purchased and the manner in which the inspection or purchase may be arranged;

Reg. 603(1)(o)  
amended by  
S.R. No.  
159/2004  
reg. 11(3).

(o) if the notice is issued in respect of a drink-driving infringement, drug-driving infringement or an excessive speed infringement under section 89A of the Act, the address of the person to whom a notice of objection is to be sent.



*Road Safety (General) Regulations 1999*  
*S.R. No. 27/1999*

Part 6—Traffic Infringements

r. 604

- (2) An infringement notice issued in respect of a drink driving infringement, drug-driving infringement or excessive speed infringement under section 89A of the Act may be accompanied by—

Reg. 603(2)  
amended by  
S.R. No.  
159/2004  
reg. 11(4).

- (a) a notice setting out in summary form—
- (i) the consequences of paying or failing to pay the infringement penalty; and
  - (ii) the consequences of giving or failing to give a notice of objection; and
- (b) a form of notice of objection.

**604. Payment of penalty**

Payment of a penalty under section 89C(7) or 89D(6) of the Act may be made by posting or delivering the amount of the infringement penalty to the address specified in the infringement notice as the address for payment of the infringement penalty.

Reg. 604  
amended by  
S.R. No.  
158/2006  
reg. 6.

**605. Withdrawal of traffic infringement notice**

For the purposes of sections 88(3) and 89A(7) of the Act, a notice of withdrawal of a traffic infringement notice—

- (a) must be served in accordance with section 93 of the Act; and
- (b) must contain the following prescribed particulars—
- (i) the name and address of the person on whom the traffic infringement notice was served; and
  - (ii) the number and date of issue of the traffic infringement notice; and
  - (iii) a statement that the traffic infringement notice has been withdrawn; and

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- (iv) if it is intended that proceedings in the Magistrates' Court may be instituted against the person in respect of the alleged traffic infringement, a statement to that effect; and
  - (v) if a payment has been made in respect of the infringement penalty, a statement that the amount paid will be refunded.

**606. Proof of prior convictions or findings of guilt**

- (1) For the purposes of section 90(1) of the Act, a document setting out particulars of alleged prior convictions or findings of guilt must contain the following prescribed particulars—
    - (a) the name and address of the person to whom it applies; and
    - (b) in respect of each alleged prior conviction or finding of guilt, the court that convicted the person or found the person guilty, the date of the alleged conviction or finding of guilt, a short description of the alleged offence and a short description of the alleged penalty imposed.
  - (2) A notice endorsed on a document referred to in sub-regulation (1) must, for the purpose of section 90(2) of the Act, contain a statement that the document will be admissible as evidence that the person has been previously convicted or found guilty as alleged if—
    - (a) the person does not appear in answer to the summons served with the notice; and
    - (b) the person is convicted or found guilty of the infringement alleged in the summons.
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**PART 7—APPLICATION OF THE ACT TO PUBLIC  
AUTHORITIES**

**701. Power to prosecute**

The following public authorities and persons are prescribed for the purposes of section 77(2)(e) of the Act—

- (a) the Melbourne Market Authority established under the **Melbourne Market Authority Act 1977**;
- (b) the Melbourne Water Corporation constituted under the **Melbourne Water Corporation Act 1992**;
- (c) Melbourne Parks and Water Ways established under Part 4 of the **Water Industry Act 1994**;
- (d) the Melbourne Port Corporation established under the **Port Services Act 1995**;
- (e) the Gippsland and Southern Rural Water Authority, the Goulbourn-Murray Rural Water Authority, the Sunraysia Rural Water Authority and the Wimmera-Mallee Rural Water Authority;
- (f) a Board established under Part 4 of the **Alpine Resorts (Management) Act 1997**;
- (g) the Secretary to the Department of Natural Resources and Environment;
- (h) the Minister administering Part 7B of the **Financial Management Act 1994**;
- (i) the Director of National Parks.

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**702. Prosecution for parking offences**

The following public authorities and persons are prescribed for the purposes of section 77(4) of the Act—

- (a) the Corporation;
- (b) the Public Transport Corporation established under Part II of the **Transport Act 1983**;
- (c) Melbourne Parks and Waterways established under Part 4 of the **Water Industry Act 1994**;
- (d) a Board established under Part 4 of the **Alpine Resorts (Management) Act 1997**;
- (e) the board of a public hospital or denominational hospital within the meaning of the **Health Services Act 1988**;
- (f) the council of a university established by or under any Act;
- (g) a council incorporated under the **Tertiary Education Act 1993** or the council or governing body of an institution mentioned in Schedule 2 to that Act or in Schedule 1 to the **Vocational Education and Training Act 1990**;
- (h) a committee of management appointed under the **Crown Land (Reserves) Act 1978**;
- (i) the Secretary to the Department of Infrastructure;
- (j) an authorised officer for the purposes of the **Land Act 1958**;
- (k) an officer of the Marine Board of Victoria appointed under Part 8 of the **Marine Act 1988**.

**703. Appropriation of fines**

For the purposes of section 77(5) of the Act—

- (a) a public authority or person mentioned in Column 1 of Schedule 5 is a prescribed public authority or person; and
- (b) a fund described in Column 2 of Schedule 5 is a prescribed fund in respect of the corresponding public authority or person in Column 1; and
- (c) an offence is a prescribed offence if it is—
  - (i) committed on land or premises which are vested in or under the control of the public authority or person concerned and is—
    - (A) an offence under the Road Safety (Road Rules) Regulations 1999; or
    - (B) an offence under Division 1, 2, 3, 4 or 5 of Part 2, Part 4, Part 5 or Part 8 of the Road Safety (Vehicles) Regulations 1999; or
    - (C) an offence under Part 2 or 5 of the Road Safety (Drivers) Regulations 1999; or
  - (ii) an offence against section 90E of the Act, or under a regulation made under the Act, for which the charge was filed by a municipal council or any member of staff of a municipal council who is authorised in writing to do so either generally or in a particular case by the municipal council.

Reg. 703(c)  
substituted by  
S.R. No.  
120/1999  
reg. 711.

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**704. Extension of the Act by the Minister**

The following persons and public authorities are prescribed for the purposes of section 98(1) of the Act—

- (a) the Corporation;
- (b) the Public Transport Corporation established under Part II of the **Transport Act 1983**;
- (c) a Council within the meaning of the **Local Government Act 1989**;
- (d) the Melbourne Market Authority established under the **Melbourne Market Authority Act 1977**;
- (e) the Gippsland and Southern Rural Water Authority, the Goulbourn-Murray Rural Water Authority, the Sunraysia Rural Water Authority and the Wimmera-Mallee Rural Water Authority;
- (f) Melbourne Parks and Waterways established under Part 4 of the **Water Industry Act 1994**;
- (g) the Melbourne Port Corporation established under the **Port Services Act 1995**;
- (h) the council of a university established by or under any Act;
- (i) a council incorporated under the **Tertiary Education Act 1993** or the council or governing body of an institution mentioned in Schedule 2 to that Act or in Schedule 1 to the **Vocational Education and Training Act 1990**;
- (j) a committee of management appointed under the **Crown Land (Reserves) Act 1978**;
- (k) a Board established under Part 4 of the **Alpine Resorts (Management) Act 1997**;

*Road Safety (General) Regulations 1999*  
*S.R. No. 27/1999*

Part 7—Application of the Act to Public Authorities

r. 704

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- (l) the board of a public hospital or denominational hospital within the meaning of the **Health Services Act 1988**;
  - (m) the House Committee within the meaning of the **Parliamentary Committees Act 1968**;
  - (n) the Secretary to the Department of Natural Resources and Environment;
  - (o) the Director of National Parks;
  - (p) an officer of the Marine Board of Victoria appointed under Part 8 of the **Marine Act 1988**.
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**PART 8—SAVINGS AND TRANSITIONALS**

**801. Infringement notices issued under 1988 Regulations**

- (1) If a traffic infringement is committed before the commencement of these Regulations against the Road Safety (Procedures) Regulations 1988 or the Road Safety (Vehicles) Regulations 1988—
  - (a) in the case of a traffic infringement under Schedule 6 to the Road Safety (Procedures) Regulations 1988 that has not been re-enacted under Schedule 4 of these Regulations, the traffic infringement continues to be a traffic infringement under Schedule 6 of the Road Safety (Procedures) Regulations 1988 and a traffic infringement notice for that infringement may be issued or served in accordance with those Regulations as if they had not been revoked;
  - (b) in the case of a traffic infringement under Schedule 6 to the Road Safety (Procedures) Regulations 1988 that has been re-enacted under Schedule 4 of these Regulations, the traffic infringement is to be taken to be a traffic infringement under Schedule 4 of these Regulations with the corresponding code, description of offence and penalty under Schedule 4 and a traffic infringement notice for that infringement may be issued or served in accordance with these Regulations.



*Road Safety (General) Regulations 1999*  
*S.R. No. 27/1999*

Part 8—Savings and Transitionals

r. 801

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- (2) The revocation by these Regulations of the Road Safety (Procedures) Regulations 1988 and the Road Safety (Vehicles) Regulations 1988 does not affect—
- (a) a parking infringement notice or a traffic infringement notice issued or served in accordance with those Regulations before the commencement of these Regulations; or
  - (b) a traffic infringement notice issued or served in accordance with those Regulations after the commencement of these Regulations for an infringement under sub-regulation (1)(a).
- (3) Without limiting sub-regulation (2)—
- (a) a notice referred to in that sub-regulation may be withdrawn; and
  - (b) the penalty shown on it is payable; and
  - (c) the procedures set out in Schedule 7 to the **Magistrates' Court Act 1989** may be used for the enforcement of the amount payable—
- as if the Road Safety (Procedures) Regulations 1988 had not been revoked.
- (4) This Regulation does not affect or take away from the **Interpretation of Legislation Act 1984**.
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*Road Safety (General) Regulations 1999*  
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**Sch. 1**

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**SCHEDULES**

**SCHEDULE 1**

Regulation 104

**REVOKED REGULATIONS**

Road Safety (Procedures) Regulations 1988, S.R. No. 28/1988  
Road Safety (Procedures) (Amendment) Regulations 1988, S.R. No. 90/1988  
Road Safety (Procedures) (Fee Amendment) Regulations 1989, S.R. No. 9/1989  
Road Safety (Procedures) (Amendment No. 3) Regulations 1989, S.R. No. 119/1989  
Road Safety (Procedures) (Infringements) Regulations 1989, S.R. No. 245/1989  
Road Safety (Procedures) (Demerit Points) Regulations 1989, S.R. No. 267/1989  
Road Safety (Procedures) (Defence Personnel) Regulations 1989, S.R. No. 271/1989  
Road Safety (Procedures) (Speed Cameras) Regulations 1989, S.R. No. 325/1989  
Road Safety (Procedures) (Fees) Regulations 1990, S.R. No. 6/1990  
Road Safety (Procedures) (Suspension of Licences) Regulations 1990,  
S.R. No. 13/1990  
Road Safety (Procedures) (Relicensing) Regulations 1990, S.R. No. 73/1990  
Road Safety (Bicycle Helmets) Regulations 1990, S.R. No. 122/1990  
Road Safety (Procedures) (Detection Devices) Regulations 1990, S.R. No. 152/1990  
Road Safety (Procedures) (Graduated Licences) Regulations 1990, S.R. No. 173/1990  
Road Safety (Procedures) (Parking Fines) Regulations 1990, S.R. No. 274/1990  
Road Safety (Procedures) (Fees and Licences) Regulations 1990, S.R. No. 320/1990  
Road Safety (Side Projection) Regulations 1990, S.R. No. 339/1990  
Road Safety (Procedures) (Portable Weighing Devices) Regulations 1990,  
S.R. No. 353/1990  
Road Safety (Disabled Persons) Regulations 1990, S.R. No. 394/1990  
Road Safety (Procedures) (Consequential Amendments) Regulations 1990,  
S.R. No. 395/1990  
Road Safety (Large Vehicles) Regulations 1990, S.R. No. 396/1990  
Road Safety (Procedures) (Learner Permit) Regulations 1990, S.R. No. 398/1990  
Road Safety (Procedures) (Traffic Infringement Penalties) Regulations 1991,  
S.R. No. 138/1991

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- Road Safety (Traffic) (Disabled Parking Conditions) Regulations 1991,  
S.R. No. 161/1991
- Road Safety (Procedures) (Fees) Regulations 1991, S.R. No. 234/1991
- Road Safety (Procedures) (Single Licence) Regulations 1991, S.R. No. 326/1991
- Road Safety (Procedures) (TAFE Parking) Regulations 1992, S.R. No. 10/1992
- Road Safety (Procedures) (Licence Variation) Regulations 1992, S.R. No. 223/1992
- Road Safety (Procedures) (Fees) Regulations 1993, S.R. No. 2/1993
- Road Safety (Procedures) (Speed Penalties) Regulations 1993, S.R. No. 125/1993
- Road Safety (Procedures) (Testing Officers) Regulations 1993, S.R. No. 141/1993
- Road Safety (Procedures) (Licence Restriction) Regulations 1993, S.R. No. 144/1993
- Road Safety (Procedures) (Motor Cycles) Regulations 1993, S.R. No. 158/1993
- Road Safety (Procedures) (Speed Measuring Devices) Regulations 1993,  
S.R. No. 233/1993
- Road Safety (Consequential Amendments) Regulations 1993, S.R. No. 264/1993
- Road Safety (Procedures) (Infringements) Regulations 1993, S.R. No. 267/1993
- Road Safety (Procedures) (Driver Testing) Regulations 1994, S.R. No. 11/1994
- Road Safety (Procedures) (Fees) Regulations 1994, S.R. No. 23/1994
- Road Safety (Procedures) (Breath and Blood Tests) Regulations 1994,  
S.R. No. 110/1994
- Road Safety (Procedures) (Infringements) Regulations 1994, S.R. No. 127/1994
- Road Safety (Procedures) (Learner Permit) Regulations 1994, S.R. No. 178/1994
- Road Safety (Procedures) (Exemption) Regulations 1995, S.R. No. 43/1995
- Road Safety (Procedures) (Amendment) Regulations 1995, S.R. No. 60/1995
- Road Safety (Procedures) (Infringements) Regulations 1995, S.R. No. 98/1995
- Road Safety (Procedures) (Licence Classifications) Regulations 1995,  
S.R. No. 115/1995
- Road Safety (Procedures) (Interstate Licences) Regulations 1995, S.R. No. 128/1995
- Road Safety (Procedures) (Digitised Images) Regulations 1995, S.R. No. 142/1995
- Road Safety (Procedures) (Towing Infringements) Regulations 1995,  
S.R. No. 154/1995
- Road Safety (Procedures) (Miscellaneous) Regulations 1995, S.R. No. 193/1995
- Road Safety (Procedures) (Demerit Points) Regulations 1996, S.R. No. 5/1996
- Road Safety (Procedures) (Driving Hours) Regulations 1996, S.R. No. 17/1996
- Road Safety (Bicycle Carriers) Regulations 1996, S.R. No. 63/1996
- Road Safety (Procedures) (Probationary Licence) Regulations 1996, S.R. No. 69/1996
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Road Safety (Procedures) (Sign Penalties) Regulations 1996, S.R. No. 83/1996

Road Safety (Procedures) (Laser Speed Measuring Devices) Regulations 1996,  
S.R. No. 89/1996

Road Safety (Procedures) (Taxi-Cabs) Regulations 1996, S.R. No. 102/1996

Road Safety (Procedures) (Parking Penalties) Regulations 1996, S.R. No. 104/1996

Road Safety (Procedures) (Preliminary Breath Test Devices) Regulations 1997,  
S.R. No. 21/1997

Road Safety (Procedures) (Amendment) Regulations 1998, S.R. No. 35/1998

Road Safety (Procedures) (Unlicensed Driving) Regulations 1998, S.R. No. 58/1998

Road Safety (Procedures) (Driving Hours) Regulations 1998, S.R. No. 104/1998

Road Safety (Procedures) (Fatigue Management) Regulations 1998,  
S.R. No. 116/1998

Road Safety (Procedures) (Infringements) Regulations 1998, S.R. No. 169/1998

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Sch. 2

**SCHEDULE 2**

Regulations 311, 406, 412

**Sch. 2**  
**amended by**  
**S.R. No.**  
**88/2000**  
**reg. 12.**

**CERTIFICATE UNDER SECTION 83**

The \*automatic detection device/\*digitector/\*radar device/\*laser device/\*portable weighing device/\*dynamic axle weighing device (No. ) was tested in accordance with the Road Safety (General) Regulations 1999 on the [date].

The test confirmed that the device was operating correctly in accordance with the requirements of those Regulations.

\* The device has been properly sealed in accordance with those Regulations.

Date:

Signature of person issuing certificate:

\* Strike out whichever is not applicable.

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Sch. 2A

Sch. 2A  
inserted by  
S.R. No.  
82/2006 reg. 5.

**SCHEDULE 2A**

Regulation 316

**SEARCH AND SEIZURE WARRANT**

Court Ref.

This warrant is issued for the purpose of searching for and seizing the motor vehicle described.

Description of motor vehicle authorised for seizure:

- Registration number (if known):
- Vehicle identifier (if known):
- Engine identification number (if known):
- Make, model and colour of motor vehicle:

Premises which may be searched for motor vehicle:

Number and name of street and suburb or other description of premises:

Grounds for issue of warrant:

Reasonable grounds for believing that the motor vehicle described above—

- is
- may be within the next 72 hours—

in or on the premises described.

This warrant is issued to the following member(s) of the police force—

- Name:
- Rank number:
- Agency and address:

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This warrant authorises the member(s) of the police force named, with the aid of any assistants considered reasonably necessary to achieve the purpose for which the warrant was issued, to—

- enter the premises described;
- use reasonable force to break into or open any structure on the premises described above that may store the motor vehicle described;
- search for and seize the motor vehicle described.

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This warrant also authorises the member(s) of the police force named, or a person assisting that member or those members, to seize and impound or immobilise the motor vehicle described in this warrant.

Nothing in this warrant authorises the seizure of property not described in this warrant or the arrest of a person.

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This warrant ceases to have effect if it is recalled and cancelled by the magistrate who issued it. If it is not recalled and cancelled, this warrant ceases to have effect at the end of one month after its issue or when it is executed, whichever occurs first.

The person who executes this warrant must announce that he or she is authorised by the warrant to enter the premises and must give any person at the premises an opportunity to allow entry to the premises before force is used to enter.

If the occupier is present at the premises where this warrant is being executed, the person executing the warrant must identify himself or herself to the occupier and give the occupier a copy of the warrant. If the occupier is not present at the premises where this warrant is being executed, the person executing the warrant must identify himself or herself to any other person at the premises and give that person a copy of the warrant.

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This warrant is issued under section 84ZH of the **Road Safety Act 1986**.

Issued at                      a.m./p.m. on   /   /   at  
by                                      Magistrate.

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Sch. 2B

Sch. 2B  
inserted by  
S.R. No.  
82/2006 reg. 5.

**SCHEDULE 2B**

Regulation 317

**REPORT ON EXECUTION OF SEARCH AND SEIZURE WARRANT**

To the registrar of the Magistrates' Court

I, *(insert name and address)*

being the person to whom this search and seizure warrant was issued, report the following outcome in relation to the warrant—

The warrant was executed by

*(insert name and address)*

at            a.m./p.m. on    /    /

The following motor vehicle was seized—

- Registration number (if known):
- Vehicle identifier (if known):
- Engine identification number (if known):
- Make, model and colour of motor vehicle:

A copy of the warrant    \* was given to the occupier

\* was given to a person at the premises other than  
the occupier

\* was not given to the occupier or any other  
person at the premises because—

*(set out reasons why copy of warrant not given)*

\* Delete whichever is inapplicable

This warrant was not executed because—

*(set out reasons why warrant not executed)*

Date

Signature

\_\_\_\_\_



**SCHEDULE 3**

Regulation 105

**PARKING INFRINGEMENTS**

Sch. 3  
substituted by  
S.R. No.  
120/1999  
reg. 712,  
amended by  
S.R. Nos  
96/2000  
reg. 3(a)(b),  
88/2004  
reg. 4(Sch. 1  
item 41.2  
(a)-(c)).

1. In this Schedule—
  - (a) expressions used in this Schedule that are defined in the dictionary at the end of the Road Rules have the same meaning in this Schedule as in those Rules;
  - (b) **"parking infringement"** does not include a parking infringement constituted by a contravention of section 90E of the Act.
2. A 0.2 penalty units infringement penalty is prescribed for parking infringements arising from a vehicle being parked in a parking area—
  - (a) contrary to RR 205 (Parking for longer than indicated); or
  - (b) contrary to RR 207 (Parking where fees are payable); or
  - (c) contrary to RR 211 (Parking in parking bays); or
  - (d) contrary to any other requirement set out in the Road Rules that is applicable to parking—

unless clause 4 or 6 of this Schedule applies to the parking infringement.
3. A 0.2 penalty units infringement penalty is prescribed for parking infringements arising from a vehicle being stopped contrary to RR 168(1) (No parking signs) unless clause 4 or 6 of this Schedule applies to the infringement.
4. A 0.6 penalty units infringement penalty is prescribed for parking infringements arising from a vehicle—
  - (a) being stopped contrary to—
    - (i) RR 173 (Stopping on or near a marked foot crossing (except at an intersection)); or
    - (ii) RR 174 (Stopping on or near bicycle crossing lights (except at an intersection)); or

\*            \*            \*            \*            \*

    - (iv) RR 180 (Stopping in a truck zone); or
    - (v) RR 181 (Stopping in a works zone); or
    - (vi) RR 182 (Stopping in a taxi zone); or

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- (vii) RR 183 (Stopping in a bus zone); or
  - (viii) RR 185 (Stopping in a permit zone); or
  - (ix) RR 186 (Stopping in a mail zone); or
  - (x) RR 189 (Double parking); or
  - (xi) RR 194 (Stopping near fire hydrant etc.); or
  - (xii) RR 195 (Stopping at or near a bus stop); or
  - (xiii) RR 197 (Stopping on path, dividing strip or nature strip); or
  - (xiv) RR 199 (Stopping near a postbox); or
- (b) being stopped, contrary to RR 170(2), within 20 metres from the nearest point of an intersecting road at an intersection with traffic lights; or
  - (c) being stopped on or across a driveway or similar way of access to and from adjacent land contrary to RR 198(2);
  - (d) being parked contrary to RR 208 (Parallel parking on a road (except in a median strip parking area)); or
  - (e) contrary to any other requirement set out in the Road Rules applicable to the vehicle, other than a requirement applicable to a parking area—
- unless clause 6 of this Schedule applies to the parking infringement.
- 5. A 0.6 penalty units penalty is prescribed for a parking infringement arising from a contravention of the Melbourne Parks and Gardens (Joint Trustee Reserves) Regulations 1994<sup>1</sup>.
  - 6. A 1 penalty unit penalty is prescribed for parking infringements arising from a vehicle being stopped—
    - (a) contrary to—
      - (i) RR 167 (No stopping signs); or
      - (ii) RR 171 (Stopping at or near a children's crossing); or
      - (iii) RR 172 (Stopping on or near a pedestrian crossing (except at an intersection)); or
      - (iv) RR 176 (Stopping on a clearway); or
      - (v) RR 196 (Stopping at or near a tram stop); or
    - (b) in an intersection contrary to RR 170(1); or
    - (c) within 10 metres from the nearest point of an intersection contrary to RR 170(3); or
    - (ca) in a loading zone contrary to RR 179(1); or
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- (cb) in a loading zone for longer than the permitted time contrary to RR 179(2); or
  - (d) contrary to RR 203(1), in a parking area for people with disabilities—
    - (i) without a current parking permit for people with disabilities displayed in the vehicle; and
    - (ii) not in accordance with the conditions of use of the permit;  
or
  - (e) in a parking area for people with disabilities and the driver, contrary to RR 203(3), disobeys a direction to move the vehicle.
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Sch. 4  
amended by  
S.R. No.  
54/1999  
reg. 14(1)(2),  
substituted by  
S.R. No.  
120/1999  
reg. 712,  
amended by  
S.R. Nos  
5/2001 reg. 16,  
47/2001  
reg. 4(a)-(g),  
57/2001  
regs 5-8,  
172/2001  
reg. 8, 12/2002  
reg. 4, 88/2002  
reg. 4,  
114/2002  
reg. 5(1)(2),  
88/2004  
reg. 4(Sch. 1  
items 41.3,  
41.4(a)-(zg)),  
159/2004  
reg. 12(1)(a)-  
(i)(2), 68/2005  
reg. 10(a)-(h),  
126/2005  
reg. 5, 23/2006  
reg. 4,  
158/2006  
reg. 7.

**SCHEDULE 4**

Regulation 105

**TRAFFIC INFRINGEMENTS**

RSA—**Road Safety Act 1986**;

RR—Road Rules;

RS (D) R—Road Safety (Drivers) Regulations 1999;

RS (RR) R—Road Safety (Road Rules) Regulations 1999;

RS (V) R—Road Safety (Vehicles) Regulations 1999;

TA—**Transport Act 1983**;

<i>Code</i>	<i>Offence</i>	<i>Reference</i>	<i>Penalty</i>
<i>Large Vehicles</i>			
1918	Exceed speed limit in a large vehicle by less than 10 km/h	RR 20	1.7 penalty units
1919	Exceed speed limit in a large vehicle by 10 km/h or more but less than 15 km/h	RR 20	2.65 penalty units
1920	Exceed speed limit in a large vehicle by 15 km/h or more but less than 25 km/h	RR 20	2.65 penalty units
1921	Exceed speed limit in a large vehicle by 25 km/h or more but less than 30 km/h	RR 20	5.4 penalty units
1922	Exceed speed limit in a large vehicle by 30 km/h or more but less than 35 km/h	RR 20	5.4 penalty units
1923	Exceed speed limit in a large vehicle by 35 km/h or more but less than 40 km/h	RR 20	5.4 penalty units
1924	Exceed speed limit in a large vehicle by 40 km/h or more but less than 45 km/h	RR 20	5.4 penalty units

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<i>Code</i>	<i>Offence</i>	<i>Reference</i>	<i>Penalty</i>
1925	Exceed speed limit in a large vehicle by 45 km/h or more	RR 20	10.8 penalty units
1907	Long vehicle failing to keep minimum distance behind another long vehicle	RR 127(1)	2.05 penalty units
1908	Use unsafe large vehicle or one that has been modified or does not comply with the Standards for Registration	RS (V) R 819(1), (3), 820(1)	3.25 penalty units
<i>Speeding</i>			
1909	Exceed speed limit in a vehicle other than a large vehicle by less than 10 km/h	RR 20	1.25 penalty units
1910	Exceed speed limit in a vehicle other than a large vehicle by 10 km/h or more but less than 15 km/h	RR 20	2 penalty units
1911	Exceed speed limit in a vehicle other than a large vehicle by 15 km/h or more but less than 25 km/h	RR 20	2 penalty units
1912	Exceed speed limit in a vehicle other than a large vehicle by 25 km/h or more but less than 30 km/h	RR 20	2.65 penalty units
1913	Exceed speed limit in a vehicle other than a large vehicle by 30 km/h or more but less than 35 km/h	RR 20	2.65 penalty units
1914	Exceed speed limit in a vehicle other than a large vehicle by 35 km/h or more but less than 40 km/h	RR 20	3.6 penalty units
1915	Exceed speed limit in a vehicle other than a large vehicle by 40 km/h or more but less than 45 km/h	RR 20	3.6 penalty units

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<i>Code</i>	<i>Offence</i>	<i>Reference</i>	<i>Penalty</i>
1916	Exceed speed limit in a vehicle other than a large vehicle by 45 km/h or more	RR 20	4.3 penalty units
1917	Exceed speed limit in a vehicle other than a large vehicle in a 110 km/h zone by 20 km/h or more but less than 25 km/h	RR 20	2 penalty units
<i>Failing to Give Way or Stop</i>			
2011	Fail to give way to a pedestrian	RR 38, 62(a), (b)(ii), 63(3), 65(2)(a), 72(1), 73(1), 74(1)(b), (c), (d), 75(1)(a), (b), 81(2), 83, 164(1), 288(4), 289(2)	1.65 penalty units
2012	Fail to give way at intersection	RR 38, 62(c), 63(3), 72(1), 73(1)	1.65 penalty units
2013	Fail to give way not at intersection	RR 38, 74(1)(a), (c), 75(1)(b), (c), (d), 77(1), 84(1), 85, 86(1), 87(1), (3), 288(4), 289(2)	1.65 penalty units
2014	Fail to keep clear or give way to police vehicle or emergency vehicle	RR 78(1), (2), 79(1)	1.65 penalty units
2015	Fail to give way at roundabout	RR 114(1), (2)	1.65 penalty units
2021	Fail to stop and remain stationary at children's crossing	RR 80(2), (3), (4)	1.65 penalty units
2022	Pass stopped vehicle at children's crossing or pedestrian crossing	RR 82	1.65 penalty units
2023	Pass stopped tram	RR 163(1), 164(1)	1.65 penalty units

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<i>Code</i>	<i>Offence</i>	<i>Reference</i>	<i>Penalty</i>
2024	Fail to stop or give way at level crossing	RR 121, 122, 123	1.65 penalty units
<i>Keeping left and diverging</i>			
2031	Fail to keep left of oncoming vehicle	RR 131	1.65 penalty units
2032	Drive on wrong side of divided road	RR 135(1)	1.65 penalty units
2045	Drive in wrong direction on a one-way service road	RR 136	1.65 penalty units
2033	Drive on or over or to the right of double lines	RR 132(2)	1.65 penalty units
2046	Drive on or over painted island with double lines	RR 138	1.65 penalty units
2034	Fail to keep left of safety zone	RR 162(1)	1.35 penalty units
2035	Fail to keep left of centre of road	RR 132(1)	1.35 penalty units
2037	Fail to keep as far left as practicable	RR 129(1), 130(2)	1.05 penalty units
2038	Fail to stay within marked lane or line of traffic	RR 146(1), (2)	1.05 penalty units
2039	Change lanes or line of traffic without giving way	RR 148(1), (2)	1.35 penalty units
2040	Fail to give way when merging	RR 149	1.35 penalty units
<i>Overtaking</i>			
2041	Pass to right or left of tram	RR 160(2), (3), 161(3)	1.65 penalty units
2042	Pass to right of right turning vehicle or a vehicle making a U-turn from the centre of the road	RR 142(1), 143(2)	1.65 penalty units
2043	Overtake vehicle on left or at unsafe distance	RR 141(1), 143(1), 144	1.65 penalty units

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<i>Code</i>	<i>Offence</i>	<i>Reference</i>	<i>Penalty</i>
2044	Increase speed when being overtaken	RR 145	1.65 penalty units
<i>Signalling</i>			
2051	Fail to give signal	RR 46(1), 48(1), 53(1), (2), (3), 112(2), (3), 113(2), (3), 117(1), (2), 118(1)	1.05 penalty units
2052	Fail to cancel/incorrectly operate signal	RR 46(4), 48(4), 51, 118(2)	1.05 penalty units
<i>Turning</i>			
2061	Perform unsafe U-turn	RR 37	1.65 penalty units
2062	Make incorrect left, right or U-turn	RR 27(1), 28(1), 29, 31(1), 32(1), 33(1), 42, 43(1), (2)	0.75 penalty units
2063	Enter roundabout from wrong marked lane or line of traffic or disobey traffic lane arrows when in roundabout	RR 111(1), 116	0.75 penalty units
<i>Lighting</i>			
2071	Fail to have headlights, tail lights and number plate lights on at night or in hazardous weather conditions	RR 215(1)(a), 216(1)	1.35 penalty units
2072	Fail to have clearance lights or side marker lights on at night or in hazardous weather conditions	RR 215(1)(b)	1.05 penalty units
2073	Fail to dip headlights	RR 218(1)	1.35 penalty units
2074	Operate rear fog light other than as permitted	RR 217(1)	1.05 penalty units
2075	Use hazard warning lights other than as permitted	RR 221	1.05 penalty units



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<i>Code</i>	<i>Offence</i>	<i>Reference</i>	<i>Penalty</i>
2076	Animal drawn vehicle—Fail to have lights and reflectors displayed at night or in hazardous weather conditions	RR 223	1.05 penalty units
<i>Safety Procedures</i>			
2078	Use hand held mobile phone while driving	RR 300(1)	1.35 penalty units
2081	Passenger under 16 not restrained in front seat	RR 266(1)	1.65 penalty units
2082	Passenger under 16 not restrained in rear seat where restraint available	RR 266(1)	1.65 penalty units
2085	Ride motor bike without helmet or with passenger without helmet	RR 270(1)	1.35 penalty units
2086	Ride motor cycle carrying a passenger when licensed for less than 12 months	RSA 18(1)(b) where the licence condition referred to is condition E, para. (b) in the Table in RS (D) R 207 and refers to riding a motor cycle on which there is a pillion passenger	1.05 penalty units
2087	Improperly carry passenger/pillion on a motor bike or in a sidecar	RR 271(3), (4), (5)	1.35 penalty units
2088	Fail to have full control, uninterrupted view, at least one hand on handlebars (motorbikes only) or both feet on footrests while motorbike moving	RR 271(1), 297	1.35 penalty units
2089	Cause hazard to person or vehicle by opening door or alighting from vehicle	RR 269(3)	0.75 penalty units

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<i>Code</i>	<i>Offence</i>	<i>Reference</i>	<i>Penalty</i>
2090	Drive or travel with any part of body protruding	RR 268(3), (4)	0.75 penalty units
2091	Fail to wear properly fastened and adjusted seat belt (driver)	RR 264(1)	1.35 penalty units
2092	Fail to wear properly fastened and adjusted seat belt (passenger)	RR 265(1)	1.35 penalty units
2541	Travel in or on part of motor vehicle not designed for carriage of passengers or goods	RR 268(1)	1.35 penalty units
2542	Travel improperly seated or unrestrained in or on part of motor vehicle designed for carriage of goods	RR 268(2)	1.35 penalty units
2543	Driver carrying passenger under 16 years improperly seated or unrestrained in or on part of motor vehicle designed for carriage of goods	RR 268(7)	1.65 penalty units
2544	Passenger on motor bike/sidecar not wearing helmet	RR 270(2)	1.35 penalty units
2545	Pillion passenger not properly seated on motorbike	RR 271(2)	1.35 penalty units
<i>Drink Driving</i>			
2093	Drive or be in charge of motor vehicle with unlawful blood alcohol level of less than 0.05 g/100 ml or breath alcohol level of less than 0.05g/210 litres of exhaled air	RSA 49	2.4 penalty units

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<i>Code</i>	<i>Offence</i>	<i>Reference</i>	<i>Penalty</i>
1993	<p>Drive or be in charge of a motor vehicle with—</p> <p>(a) blood alcohol level of 0.05 or more but less than 0.07g/100ml; or</p> <p>(b) breath alcohol level of 0.05 or more but less than 0.07g/210 litres of exhaled air—</p> <p>and RSA 52 (zero blood or breath alcohol) does not apply to the person</p>	RSA 49	3 penalty units
1994	<p>Drive or be in charge of a motor vehicle with—</p> <p>(a) blood alcohol level of 0.05 or more but less than 0.07g/100ml; or</p> <p>(b) breath alcohol level of 0.05 or more but less than 0.07g/210 litres of exhaled air—</p> <p>and RSA 52 (zero blood or breath alcohol) applies to the person.</p>	RSA 49	3 penalty units
1996	<p>Drive or be in charge of motor vehicle with blood alcohol level of 0.07 or more but less than 0.10g/100ml or breath alcohol level of 0.07 or more but less than 0.10g/210 litres of exhaled air</p>	RSA 49	3 penalty units
2095	<p>Drive or be in charge of motor vehicle with blood alcohol level of 0.10 or more but less than 0.11 g/100 ml or breath alcohol level of 0.10 or more but less than 0.11g/210 litres of exhaled air</p>	RSA 49	4.2 penalty units

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<i>Code</i>	<i>Offence</i>	<i>Reference</i>	<i>Penalty</i>
2096	Drive or be in charge of motor vehicle with blood alcohol level of 0.11 or more but less than 0.12 g/100 ml or breath alcohol level of 0.11 or more but less than 0.12g/210 litres of exhaled air	RSA 49	4.2 penalty units
2097	Drive or be in charge of motor vehicle with blood alcohol level of 0.12 or more but less than 0.13 g/100 ml or breath alcohol level of 0.12 or more but less than 0.13g/210 litres of exhaled air	RSA 49	4.2 penalty units
2098	Drive or be in charge of motor vehicle with blood alcohol level of 0.13 or more but less than 0.14 g/100 ml or breath alcohol level of 0.13 or more but less than 0.14g/210 litres of exhaled air	RSA 49	4.2 penalty units
2099	Drive or be in charge of motor vehicle with blood alcohol level of 0.14 or more but less than 0.15 g/100 ml or breath alcohol level of 0.14 or more but less than 0.15g/210 litres of exhaled air	RSA 49	4.2 penalty units
<i>Drug Driving</i>			
1999	Drive or be in charge of motor vehicle with prescribed concentration of drugs or more than the prescribed concentration of drugs present in blood or oral fluid	RSA 49	3 penalty units

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<i>Code</i>	<i>Offence</i>	<i>Reference</i>	<i>Penalty</i>
<i>Signals</i>			
2101	Fail to obey traffic lights	RR 56(1), (2), 57(2), (3), 59(1), 60, 61(2), (5), 64, 65(2), 66(1), (4), 152(1), 281(a), (b), 282(a), (b), 284(a), (b), 286(2)(a), (b), (c), (3)	2 penalty units
2149	Failure of driver of tram to obey T light	RR 274(a), (b), 275(a), (b), 277(a), (b), 279(2)(a), (b), (c), (3)	2 penalty units
<i>Licensing and Registration</i>			
2104	Fail to surrender licence or learner permit when required	RS (D) R 204(1), 304(4)	1.05 penalty units
2105	Unlicensed driving by the holder of a licence or permit issued outside Victoria whose 3 month exemption from holding a Victorian licence has expired under RS (D) R 221(2)(a) or (b)	RSA 18	2.5 penalty units
2106	Unlicensed driving in the circumstances set out in paragraphs (a) and (b) of section 18(2), namely when a previous licence or International Driving Permit has expired and the licence has not been cancelled for an offence	RSA 18	2.5 penalty units
2107	Unlicensed driving in circumstances other than those referred to in Codes 2105 and 2106	RSA 18	5 penalty units

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<i>Code</i>	<i>Offence</i>	<i>Reference</i>	<i>Penalty</i>
2108	Fail to produce licence, learner permit or other document on request or within 7 days	RSA 59(1)(a), (3) TA 216	0.5 penalty unit
2109	Probationary driver failing to have licence in his or her possession while driving or in charge of a motor vehicle	RSA 21	0.5 penalty unit
2110	Holder of a probationary driver licence driving a high powered motor vehicle before probationary period expired	RS (D) R 211(1)	1.05 penalty units
2111	Fail to obey licence condition other than a condition referred to in Code 2086	RSA 18	1.05 penalty units
2112	Fail to display 'L' plates when required	RS (D) R 214(1)	1.05 penalty units
2114	Display 'P' plates when not required	RS (D) R 217(2)	0.5 penalty unit
2115	Display 'L' plates when not required	RS (D) R 214(3)	0.5 penalty unit
2116	Fail to notify Corporation of change of name or address	RS (V) R 225(1), RS (D) R 225(1)	0.5 penalty unit
2118	Number plate not fixed in accordance with regulations or altered or false	RS (V) R 222(6), 801	1.1 penalty units
2119	Registration label not fixed in accordance with regulations	RS (V) R 223(7), 801	0.5 penalty unit
2120	Fail to return number plates	RS (V) R 227(9), 246(4)	0.5 penalty unit
2121	Fail to comply with transfer requirements—non dealer	RS (V) R 229(1)	0.75 penalty units
2122	Fail to comply with repossession or restoration requirements	RS (V) R 231(1)	0.75 penalty units

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<i>Code</i>	<i>Offence</i>	<i>Reference</i>	<i>Penalty</i>
2123	Fail to comply with transfer requirements—dealer	RS (V) R 229(1), (2), (3)	1.45 penalty units
2125	Own or use unregistered motor vehicle with 2 axles (other than a motor cycle)	RSA 7	5 penalty units
2126	Own or use unregistered motor vehicle with 3 axles	RSA 7	7 penalty units
2127	Own or use unregistered motor vehicle with 4 axles	RSA 7	8 penalty units
2128	Own or use unregistered motor vehicle with 5 or more axles	RSA 7	9 penalty units
2129	Fail to display 'P' plates when required	RS (D) R 217(1)	1.05 penalty units
2601	Own or use unregistered motor cycle with engine capacity of 60cc or less	RSA 7	1.1 penalty units
2602	Own or use unregistered motor cycle with engine capacity of 61cc or more but less than 501cc	RSA 7	3 penalty units
2603	Own or use unregistered motor cycle with engine capacity of 501cc or more	RSA 7	4 penalty units
2604	Own or use an unregistered trailer that is not a heavy vehicle	RSA 7	1.1 penalty units
2605	Own or use an unregistered trailer that is a heavy vehicle with 1 axle	RSA 7	4 penalty units
2606	Own or use an unregistered trailer that is a heavy vehicle with 2 axles	RSA 7	7 penalty units
2607	Own or use an unregistered trailer that is a heavy vehicle with 3 or more axles	RSA 7	9 penalty units

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<i>Code</i>	<i>Offence</i>	<i>Reference</i>	<i>Penalty</i>
<i>Miscellaneous</i>			
2131	Reverse from median strip parking area	RR 212(2)	1.05 penalty units
2132	Reverse when unsafe or further than is reasonable	RR 296(1), (2)	1.05 penalty units
2133	Drive motor vehicle on a path, nature strip, traffic island or dividing strip	RR 137(1), 288(1), 289(1), 290	0.75 penalty units
2134	Place or leave dangerous substance on road or leave thing dropped from vehicle on road	RR 293(2), RS (RR) R 603	1.35 penalty units
2135	Leave motor vehicle unattended with keys in ignition, motor running, brakes not secured or doors unlocked	RR 213(2)	0.75 penalty units
2136	Fail to drive sufficient distance behind a vehicle	RR 126	1.35 penalty units
2137	Fail to obey traffic direction given by police officer or authorised person	RR 304(1)	1.35 penalty units
2138	Drive in a tram lane	RR 155(1)	0.75 penalty units
2139	Enter an intersection when the intersection is blocked or the road beyond the intersection is blocked	RR 128	0.75 penalty units
2140	Impede a tram	RR 76(1), (2)	0.75 penalty units
2141	Drive unlawfully in bus, Commonwealth Games, transit, bicycle or truck lane	RR 153(1), 154(1), 156(1), 157(1), 157A(1)	0.75 penalty units



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<i>Code</i>	<i>Offence</i>	<i>Reference</i>	<i>Penalty</i>
2143	Use unsafe vehicle (other than a large vehicle) or use vehicle (other than a large vehicle) that has been modified or does not comply with the Regulations or standards for registration	RS (V) R 417, 418, 419, 819(1), (3)	1.65 penalty units
2144	Company failing to disclose identity of driver when required	RSA 60	6 penalty units
2145	Remove or deface defective vehicle label	RS (V) R 703(7)	1.65 penalty units
2146	Drive with empty bicycle carrier	RS (RR) R 605	0.5 penalty unit
2147	Use or permit use of vehicle in breach of major vehicle defect notice	RS (V) R 702	1.65 penalty units
2148	Use or permit use of vehicle in breach of minor vehicle defect notice	RS (V) R 702	1.35 penalty units
2522	Stop on a <i>Keep clear</i> marking	RR 96(1)	0.75 penalty units
2523	Ride motorbike more than two abreast	RR 151(1), (2)	0.75 penalty units
2524	Drive over continuous white edge line	RR 150(1)	1.05 penalty units
2525	Drive motor vehicle with person in attached trailer	RR 298(1)	1.35 penalty units
2526	Drive motor vehicle with TV or VDU operating	RR 299(1)(a), (b)	0.75 penalty units
2527	Fail to comply with roundabout requirements	RR 115(1)	1.65 penalty units

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<i>Code</i>	<i>Offence</i>	<i>Reference</i>	<i>Penalty</i>
<i>Heavy Vehicles</i>			
2161	Fail to carry, use or permit inspection of portable warning triangles	RR 226(1), (2), 227(2), (3)	1.05 penalty units
2179	Class 1, 2 or 3 vehicle fail to comply with Schedule requirements other than mass or dimension requirements	RS (V) R 506(3), 514(3), 520(3)	1.65 penalty units
2180	Fail to comply with pilot or escort vehicle requirements	RS (V) R 507(1), (2), (3), 508(1)	1.65 penalty units
<i>Commercial Vehicles</i>			
2162	Fail to observe limit on hours of driving	RS (D) R 505, 506, 508, 508A	1.65 penalty units
2163	Driving record offences		
	—fail to make and carry	RS (D) R 510(1)	1.65 penalty units
	—fail to carry	RS (D) R 510(2), (3)	1.65 penalty units
	—deface, destroy or alter log book	RS (D) R 514(a), (b)	1.65 penalty units
	—remove page from log book	RS (D) R 514(c)	1.65 penalty units
	—possess log book not issued to person	RS (D) R 516(1)(c)(ii)	1.65 penalty units
	—possess more than one log book	RS (D) R 516(1)(d)	1.65 penalty units
	—fail to produce on request	RSA 59(1)(c)	1.65 penalty units
2165	Log book not signed	RS (D) R 511(2)	1.65 penalty units
2172	Fail to carry and produce documents when required	RS (V) R 821	0.75 penalty units

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<i>Code</i>	<i>Offence</i>	<i>Reference</i>	<i>Penalty</i>
<i>Mass Limits</i>			
4451	Operator of vehicle in breach of mass limit—minor risk breach, where operator is a body corporate	RSA 174(1)	7.5 penalty units
4452	Operator of vehicle in breach of mass limit—minor risk breach, where the operator is not a body corporate	RSA 174(1)	1.5 penalty units
4453	Operator of vehicle in breach of mass limit—substantial risk breach, 5% or more excess but less than 10% excess, where operator is a body corporate	RSA 174(1)	10 penalty units
4454	Operator of vehicle in breach of mass limit—substantial risk breach, 5% or more excess but less than 10% excess, where operator is not a body corporate	RSA 174(1)	2 penalty units
4455	Operator of vehicle in breach of mass limit—substantial risk breach, 10% or more excess but less than 15% excess, where operator is a body corporate	RSA 174(1)	20 penalty units
4456	Operator of vehicle in breach of mass limit—substantial risk breach, 10% or more excess but less than 15% excess, where operator is not a body corporate	RSA 174(1)	4 penalty units
4457	Operator of vehicle in breach of mass limit—substantial risk breach, 15% or more excess but less than 20% excess, where operator is a body corporate	RSA 174(1)	20 penalty units

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<i>Code</i>	<i>Offence</i>	<i>Reference</i>	<i>Penalty</i>
4458	Operator of vehicle in breach of mass limit—substantial risk breach, 15% or more excess but less than 20% excess, where operator is not a body corporate	RSA 174(1)	10 penalty units
4459	Driver of vehicle in breach of mass limit—minor risk breach	RSA 175(1)	1.5 penalty units
4460	Driver of vehicle in breach of mass limit—substantial risk breach, 5% or more excess but less than 10% excess	RSA 175(1)	2 penalty units
4461	Driver of vehicle in breach of mass limit—substantial risk breach, 10% or more excess but less than 15% excess	RSA 175(1)	4 penalty units
4462	Driver of vehicle in breach of mass limit—substantial risk breach, 15% or more excess but less than 20% excess	RSA 175(1)	10 penalty units
<i>Limits and requirements other than mass limits</i>			
4463	Operator of vehicle in breach of width, length or height limit or load restraint requirement—minor risk breach, where operator is a body corporate	RSA 174(1)	7.5 penalty units
4464	Operator of vehicle in breach of width, length or height limit or load restraint requirement—minor risk breach, where operator is not a body corporate	RSA 174(1)	1.5 penalty units
4465	Operator of vehicle in breach of width, length or height limit or load restraint requirement—substantial risk breach, where operator is a body corporate	RSA 174(1)	20 penalty units

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<i>Code</i>	<i>Offence</i>	<i>Reference</i>	<i>Penalty</i>
4466	Operator of vehicle in breach of width, length or height limit or load restraint requirement—substantial risk breach, where operator is not a body corporate	RSA 174(1)	4 penalty units
4467	Driver of vehicle in breach of width, length or height limit or load restraint requirement—minor risk breach	RSA 175(1)	1.5 penalty units
4468	Driver of vehicle in breach of width, length or height limit or load restraint requirement—substantial risk breach	RSA 175(1)	4 penalty units
4469	Consignor fail to provide complying container weight declaration, where consignor is a body corporate	RSA 184(2)	20 penalty units
4470	Consignor fail to provide complying container weight declaration, where consignor is not a body corporate	RSA 184(2)	4 penalty units
4471	Operator fail to ensure container weight declaration provided, where operator is a body corporate	RSA 185(2), 185(3)	20 penalty units
4472	Operator fail to ensure container weight declaration provided, where operator is not a body corporate	RSA 185(2), 185(3)	4 penalty units
4473	Driver fail to obtain or keep container weight declaration	RSA 186(1), 186(2)	4 penalty units
4474	Use vehicle exceeding permitted dimensions	RS(V)R 418(1)	1.65 penalty units

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<i>Code</i>	<i>Offence</i>	<i>Reference</i>	<i>Penalty</i>
<i>Directions and orders</i>			
4475	Failure by a body corporate to comply with a direction of inspector	RSA 168(1)	20 penalty units
4476	Failure by a person other than a body corporate to comply with a direction of inspector	RSA 168(1)	10 penalty units
4477	Failure by a body corporate to comply with condition imposed under direction or authorisation	RSA 168(2)	20 penalty units
4478	Failure by a person other than a body corporate to comply with condition imposed under direction or authorisation	RSA 168(2)	10 penalty units.
<i>Bicycles</i>			
2221	Fail to obey traffic direction given by police officer or authorised person	RR 304(1)	0.5 penalty unit
2222	Fail to obey traffic lights	RR 56(1)(a), (c), (2)(a), (c), 57(2), (3), 59(1), 60, 61(2), (5), 64, 65(2), 66(1), (4), 152(1), 260(1), (2), 261(1), 262(1), (2),	2 penalty units
2223	Fail to obey traffic sign (other than a traffic sign referred to in Code 2239 or 2240)	RR 34(1), 36, 39(1), (2), 41, 88(1), (2), 89(1), (2), 90, 91(1), (2), 93(1), 94, 97(1), 98(1), 99(1), (2), 100, 252(1)	0.5 penalty unit

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<i>Code</i>	<i>Offence</i>	<i>Reference</i>	<i>Penalty</i>
2224	Fail to keep left	RR 129(1), 132(1), (2)	0.5 penalty unit
2225	Ride over double lines	RR 132(2)	0.5 penalty unit
2226	Fail to give way	RR 38, 72(1), 73(1), 74(1), 75(1), 77(1), 78(1), (2), 79(1), 81(2), 83, 84(1), 87(1), 114(1), (2), 119, 164(1)	0.5 penalty unit
2227	Fail to give signal when making right turn or U-turn	RR 48(1)	0.5 penalty unit
2228	Fail to have lights or equipment	RR 258, 259	0.5 penalty unit
2229	Riding improperly	RR 245, 246, 255, 257(1)	0.5 penalty unit
2230	Misuse bicycle path, separated footpath or shared path or footpath or fail to use bicycle lane	RR 247(1), 249, 250(3), 251	0.5 penalty unit
2231	Bicycle drawn by other vehicle	RR 254(1), (2)	0.5 penalty unit
2232	Ride more than 2 abreast	RR 151(1), (2)	0.5 penalty unit
2233	Fail to wear securely fitted approved bicycle helmet	RR 256(1)	0.5 penalty unit
2234	Use a bicycle to carry a person who is not wearing a securely fitted approved bicycle helmet	RR 256(3)	0.5 penalty unit
2235	Ride bicycle on dividing strip, footpath, nature strip or traffic island when not permitted	RR 137(1), 250(1), 288(1), 289(1), 290	0.5 penalty unit
2236	Ride bicycle across a children's, pedestrian or marked foot crossing	RR 248	0.5 penalty unit

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<i>Code</i>	<i>Offence</i>	<i>Reference</i>	<i>Penalty</i>
2237	Overtake to left of left turning vehicle	RR 141(2)	0.5 penalty unit
2238	Fail to comply with roundabout requirements	RR 115(1)	0.5 penalty unit
2239	Fail to obey stop, stop here on red signal or stop here on red arrow sign	RR 56(1)(b), (2) (b), 67(1), 68(1), 101(1), (2)	1.65 penalty units
2240	Fail to obey give way sign	RR 69(1), 70, 71(1)	1.65 penalty units
<i>Pedestrians</i>			
2241	Fail to obey traffic direction given by police officer or authorised person	RR 304(1)	0.5 penalty unit
2242	Fail to obey traffic lights	RR 231(1), 232(1)	0.5 penalty unit
2243	Walk improperly on road	RR 230(1), 233(1), (2), 234(2), 238(1), (2), 239(1)	0.5 penalty unit
2244	Alight from or board moving vehicle	RR 237(1), 269(1)	0.5 penalty unit
2245	Crossing road within 20 metres of pedestrian crossing	RR 234(1)	0.5 penalty unit
2246	Cross level crossing when not permitted	RR 235(2)	0.5 penalty unit
2247	Fail to give way when crossing a bicycle path or separated footpath	RR 239(3)	0.5 penalty unit
2248	Person on road to solicit contributions or employment, hitchhike, sell, clean, etc.	RS (RR) R 401(2)	0.5 penalty unit
2249	Fail to obey no pedestrians sign or road access sign	RR 228, 229	0.5 penalty unit



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<i>Code</i>	<i>Offence</i>	<i>Reference</i>	<i>Penalty</i>
<i>Passenger Vehicles</i>			
2482	Failing to activate hazard warning device and "school bus" signs	RR 222	1.35 penalty units
2483	Failing to ensure vehicle doors are closed while vehicle in motion	RR 269(4)	1.35 penalty units
<i>Signs</i>			
2501	Fail to obey turn prohibition or requirement sign or marking	RR 34(1), 39(1), (2), 40, 41, 88(1), (2), 89(1), (2), 90, 91(1), (2), 92(1), 159(1), 212(1)	1.05 penalty units
2502	Fail to obey one way or no entry sign	RR 98(1), 100	1.65 penalty units
2503	Fail to obey no overtaking or passing or no overtaking on bridge sign	RR 93(1), 94	1.65 penalty units
2504	Fail to obey keep left or keep right sign	RR 99(1), (2)	1.05 penalty units
2505	Fail to obey stop, stop here on red signal or stop here on red arrow sign	RR 56(1)(b), (2)(b), 67(1), 68(1), 101(1), (2)	1.65 penalty units
2506	Fail to obey give way sign	RR 69(1), 70, 71(1)	1.65 penalty units
2507	Fail to obey emergency stopping lane only sign	RR 95(1)	1.65 penalty units
2509	Fail to obey low clearance or clearance sign	RS (V) R 809(2)	1.05 penalty units
2510	Fail to obey no exit sign	RR 100	1.05 penalty units
2511	Fail to obey no trucks sign	RR 104(1), (2), (3)	1.05 penalty units
2512	Fail to obey trucks must enter or buses must enter sign	RR 105, 107	1.05 penalty units

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<i>Code</i>	<i>Offence</i>	<i>Reference</i>	<i>Penalty</i>
2513	Exceed mass limit sign by up to 1 tonne over the limit	RS (V) R 808(2)	1.45 penalty units
2514	Exceed mass limit sign by 1.01 to 2 tonnes	RS (V) R 808(2)	2.65 penalty units
2515	Exceed mass limit sign by 2.01 to 3 tonnes	RS (V) R 808(2)	3.85 penalty units
2516	Exceed mass limit sign by 3.01 to 4 tonnes	RS (V) R 808(2)	5.05 penalty units
2517	Disobey information on a road access sign	RR 97(1)	1.05 penalty units
2518	Fail to obey no buses sign	RR 106(1), (2), (3)	1.05 penalty units
<i>Riders of Animals</i>			
2529	Rider or person being carried who is under 18 years fail to wear approved helmet	RS (RR) R 601	0.5 penalty unit
2530	Fail to give way to pedestrians on footpath or nature strip	RR 302	0.5 penalty unit
2531	Fail to give way to vehicle leaving roundabout	RR 119	0.5 penalty unit
2532	Ride animal more than two abreast	RR 303(1), (2)	0.5 penalty unit
<i>Wheeled Recreation Devices</i>			
2551	Travel in or on a wheeled recreational device on a prohibited road	RR 240(1), (2)	0.5 penalty unit
2552	Travel improperly on a road in or on a wheeled recreational device	RR 241(1)	0.5 penalty unit
2553	Travel on rollerblades/rollerskates on pedestrian side of separated footpath	RR 243(1)	0.5 penalty unit

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<i>Code</i>	<i>Offence</i>	<i>Reference</i>	<i>Penalty</i>
2554	Person on rollerblades/rollerskates failing to keep out of the path of bicycle on bicycle path or separated footpath	RR 243(2)	0.5 penalty unit
2555	Travel in or on wheeled recreational device while holding onto moving vehicle	RR 244	0.5 penalty unit

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Sch. 5

Sch. 5  
amended by  
S.R. No.  
120/1999  
reg. 713.

SCHEDULE 5

Regulation 703

**PRESCRIBED PUBLIC AUTHORITIES, PERSONS AND FUNDS  
FOR APPROPRIATION OF FINES**

Column 1	Column 2
Corporation	The general fund of that Corporation
Public Transport Corporation established under Part II of the <b>Transport Act 1983</b>	The general fund of that Corporation
A board established under Part 4 of the <b>Alpine Resorts Management Act 1997</b>	The general account of that Board
Melbourne Parks and Waterways established under the <b>Water Industry Act 1994</b>	Melbourne Parks and Waterways General Account
A Council within the meaning of the <b>Local Government Act 1989</b>	The municipal fund of that council
Melbourne Water Corporation constituted under the <b>Melbourne Water Corporation Act 1992</b>	The general fund of that Corporation
The council of a university established by or under any Act	The fund of that university
A council incorporated under the <b>Tertiary Education Act 1993</b> or the council or governing body of an institution mentioned in Schedule 2 to that Act or in Schedule 1 to the <b>Vocational Education and Training Act 1990</b>	The fund of that council or governing body
The committee of management under the <b>Crown Land (Reserves) Act 1978</b>	The fund of that committee of management

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Column 1	Column 2
Melbourne Market Authority established under the <b>Melbourne Market Authority Act 1977</b>	The general fund of the Authority
The board of a public hospital or denominational hospital within the meaning of the <b>Health Services Act 1988</b>	The fund of that board or other governing body

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Endnotes

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**ENDNOTES**

**1. General Information**

The Road Safety (General) Regulations 1999, S.R. No. 27/1999 were made on 16 March 1999 by the Governor in Council under section 95 of the **Road Safety Act 1986**, No. 127/1986 and came into operation on 1 May 1999: regulation 103.

The Road Safety (General) Regulations 1999 will sunset 10 years after the day of making on 16 March 2009 (see section 5 of the **Subordinate Legislation Act 1994**).

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**Endnotes**

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**2. Table of Amendments**

This Version incorporates amendments made to the Road Safety (General) Regulations 1999 by statutory rules, subordinate instruments and Acts.

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Road Safety (Vehicles) (Vehicle Standards) Regulations 1999, S.R. No. 54/1999

*Date of Making:* 11.5.99

*Date of Commencement:* 11.5.99

Road Safety (Road Rules) Regulations 1999, S.R. No. 120/1999

*Date of Making:* 9.11.99

*Date of Commencement:* 1.12.99: reg. 103

Road Safety (General) (Speed Measuring Devices) Regulations 2000,  
S.R. No. 88/2000

*Date of Making:* 5.9.00

*Date of Commencement:* 5.9.00

Road Safety (General) (Loading Zone Penalty) Regulations 2000, S.R. No. 96/2000

*Date of Making:* 26.9.00

*Date of Commencement:* 26.9.00

Road Safety (General) (Blood Samples and Drug Testing) Regulations 2000,  
S.R. No. 114/2000

*Date of Making:* 8.11.00

*Date of Commencement:* 8.11.00

Road Safety (Drivers) (Driving Hours) Regulations 2001, S.R. No. 5/2001

*Date of Making:* 30.1.01

*Date of Commencement:* 1.3.01: reg. 3

Road Safety (General) (Traffic Infringements) Regulations 2001, S.R. No. 47/2001

*Date of Making:* 22.5.01

*Date of Commencement:* 27.5.01: reg. 3

Road Safety (General) (Traffic Infringements Amendment) Regulations 2001,  
S.R. No. 57/2001

*Date of Making:* 19.6.01

*Date of Commencement:* Reg. 6 on 28.6.01: reg. 3(2); regs 1–5, 7, 8 on  
1.7.01: reg. 3(1)

Road Safety (General) (Amendment) Regulations 2001, S.R. No. 172/2001

*Date of Making:* 18.12.01

*Date of Commencement:* 21.12.01: reg. 3

Road Safety (General) (Drink Driving Infringement) Regulations 2002,  
S.R. No. 12/2002

*Date of Making:* 26.2.02

*Date of Commencement:* 1.3.02: reg. 3

*Road Safety (General) Regulations 1999*  
*S.R. No. 27/1999*

**Endnotes**

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- Road Safety (General) (Infringements) Regulations 2002, S.R. No. 88/2002  
*Date of Making:* 24.9.02  
*Date of Commencement:* 1.10.02: reg. 3
- Road Safety (General) (Speed Measuring Devices) Regulations 2002,  
S.R. No. 90/2002  
*Date of Making:* 24.9.02  
*Date of Commencement:* 24.9.02
- Road Safety (General) (Responsible Driving) Regulations 2002, S.R. No. 114/2002  
*Date of Making:* 29.10.02  
*Date of Commencement:* 15.12.02: reg. 3
- Road Safety (General) (Speed Measuring Devices) Regulations 2003,  
S.R. No. 87/2003  
*Date of Making:* 8.7.03  
*Date of Commencement:* 8.7.03
- Monetary Units Regulations 2004, S.R. No. 88/2004  
*Date of Making:* 29.6.04  
*Date of Commencement:* 1.7.04: reg. 3
- Road Safety (General) (Amendment) Regulations 2004, S.R. No. 132/2004  
*Date of Making:* 26.10.04  
*Date of Commencement:* 26.10.04
- Road Safety (General) (Alcohol and Other Drugs) Regulations 2004,  
S.R. No. 159/2004  
*Date of Making:* 7.12.04  
*Date of Commencement:* Regs 5–12 on 7.12.04: reg. 3(1)
- Transport (Infringements) (Consequential and Restructuring Amendments)  
Regulations 2005 S.R. No. 68/2005  
*Date of Making:* 28.6.05  
*Date of Commencement:* 28.6.05
- Road Safety (General) (Speed Measuring Devices) Regulations 2005,  
S.R. No. 120/2005  
*Date of Making:* 27.9.05  
*Date of Commencement:* 27.9.05
- Road Safety (General) (Heavy Vehicle Safety) Regulations 2005, S.R. No. 126/2005  
*Date of Making:* 11.10.05  
*Date of Commencement:* 11.10.05
- Road Safety (General) (Commonwealth Games) Regulations 2006, S.R. No. 23/2006  
*Date of Making:* 28.2.06  
*Date of Commencement:* 1.3.06: reg. 3
- Road Safety (General) (Vehicle Impoundment) Regulations 2006, S.R. No. 82/2006  
*Date of Making:* 27.6.06  
*Date of Commencement:* 1.7.06: reg. 3
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*Road Safety (General) Regulations 1999*  
*S.R. No. 27/1999*

**Endnotes**

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Road Safety (General) (Infringements) Regulations 2006, S.R. No. 158/2006

*Date of Making:* 24.10.06

*Date of Commencement:* 24.10.06

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*Road Safety (General) Regulations 1999*  
*S.R. No. 27/1999*

**Endnotes**

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**3. Explanatory Details**

<sup>1</sup> Schedule 3 clause 5: The Melbourne Parks and Gardens (Joint Trustee Reserves) Regulations 1994 were made under section 13 of the **Crown Land (Reserves) Act 1978** and published in the Government Gazette on 12 January 1995 at page 4. Section 13(5) of the **Crown Land (Reserves) Act 1978** provides that a contravention of a regulation made under section 13 of that Act is liable to a penalty of not more than 2 penalty units.