

ROAD TRAFFIC ACT PENALTIES

As at 3 APRIL 2014 (JP)

NOTE: If the offence is not included here then you have no jurisdiction to “determine” the charge (s3 Criminal Procedure Act)

SECTION	OFFENCE	PENALTY
15(4)	Unlicensed Vehicle	10 PU [\$500](MAXIMUM) + 6 months annual licence fee (Mandatory upon application by prosecution)
20	Obtain lic by dishonoured cheque	1st - 2 PU [\$100](MAX) Subs - 6 PU [\$300](MAX)
42C(2)	Possession dishonestly obtained driver's licence	32 PU [\$1600](MAX)
49(1)(a) & (1)(b) where ss(3) does not apply	Driving (a) while not authorised under Pt IVA (b) permitting or employing person to drive as in (a) May impose CBO with at least community work –MIN.10HRS - in lieu of fine, or if <18 YCBO with community work	1st 6 PU [\$300](MAX) Subs 12 PU [\$600](MAX) NO mandatory lic. Disq. s51RTA Veh may be impounded if committed where lic or renewal refused – see s79A and definition of “impounding offence (driver's licence)” in s 78A Defence s49(2)
49(1)(a) only where ss(3)(d) applies	Driving while not authorised because: (3)(d) penalty enforcement laws apply i.e disq under FPINEA or disq or susp under law of another juris prescribed	4PU [\$200] – 30PU [\$1500] and/or 12 months imp. Disq. 3 years max.(NOT mandatory – if accused not present – 7 day delay) Defence s49(2)
49(1)(a) if ss(3)(a),(b) or (c) applies	Driving while not authorised because: (3)(a) – has been refused Aust MDL (3)(b) – never held Aust MDL abd disq for reasons other than in (3)(d), or having held MDL has ceased to do so other then being voluntarily surrendered or expired or (3)(d) applies (3)(c) – authority to drive whether Aust MDL or otherwise is suspended for reasons other than in (3)(d)	1st 8 PU [\$400] – 40 PU [\$2000] and/or 12 months imp. Disq. 9mths – 3 yrs cumulative - MANDATORY Subs 20 PU [\$1000] – 80 PU [\$4000] and/or 18 months imp. Disq. 9mths – 3 yrs cumulative - MANDATORY Defence s 49(2) Ss(4) – does not apply to those within (3)(a). (b) or (c) while review decision to SAT is pending See (5) – inoperative extraordinary licence does not prevent charge See (6) and (7) re what is a subsequent offence Court may impound if impounding offence (s80B and 80C).

SECTION	OFFENCE	PENALTY
50	Driving Contrary to Learners Permit	6 PU [\$300](MAX)
50A	Unauthorized Driving by Out of State Driver	1st 8 PU [\$400](MAX) Subs 16 PU [\$800](MAX)
51	Provisional licence cancelled for following offences: (a) s.277 Criminal Code where property is motor vehicle (b) s.378 CC involving vehicle (c) ss.53(1), 54, 55, 56, 59, 59A, 61, 62, 62A, 64A, 64AA, 64AC, 89, 90, 97 (d) Prescribed regulations (e) Disqualified by Court	Cancelled for 3 months or for period set by the Court whichever is the longest
53(1)	Refuses or States False Name or Address	1st 6 PU [\$300](MAX) Subs 12 PU [\$600](MAX) s51RTA
53(2)	Failing to Produce MDL Within Reasonable Time	4 PU [\$200](MAX)
53(2)(A)	Refuses or fails to stop motor vehicle	1st 24PU [\$1200](MAX) Subs 48PU [\$2400] S 51 RTA
53(3)	Person at Accident Refuses or Gives False Name or Address	4 PU [\$200](MAX)
53(4)	Person Thought to Have Committed Offence Gives False Name or Address	1st 6 PU [\$300](MAX) Subs 12 PU [\$600](MAX)
54(6)	Failure by driver to give to victim etc name and address and if known name and address of person responsible for vehicle	30 PU [\$1500](MAX)
55(1) & (2)	Failure to stop after incident where property damaged in order to give to victim etc name and address and if known name and address of person responsible for vehicle	30 PU [\$1500](MAX) Disq of licence for period court thinks fit Defences ss(3) and (5) s51RTA
55(4)	Failure to give details of driver and person responsible for vehicle to victim etc	30 PU [\$1500](MAX) Defences ss(3) and (5) S51RTA
56(4)	Failure to report incident – Property Damage	1 st 8 PU [\$400](MAX) Subs 16 PU [\$800](MAX) Defences ss(5) and (6)

SECTION	OFFENCE	PENALTY
58(1)	Responsible person failing to ID driver where offence committed	1st (individual) 24 PU [\$1200](MAX) Subs (individual) 48 PU [\$2400](MAX)
58(2)	Responsible person giving false info as to ID of driver where offence committed	Other than individual 100PU [\$5000](MAX)
58A(2)	Fail to take reasonable measures to ensure can comply with driver ID request	1st (individual) 24PU [\$1200](MAX) Subs (individual) 48PU [\$2400](MAX) Other than individual 100PU [\$5000](MAX)
60(3)	Reckless	1st 120 PU [\$6000](MAX) or 9 months imp Min 6 months disq 2nd 180 PU [\$9000](MAX) or 9 months imp Min 12 months disq Subs 240 PU [\$12000](MAX) or 12 months imp Min Permanent disq Vehicle may be impounded if offence aggravated - see s 78A and 80A
61(3)(a)	Dangerous (Prior s59, 59A or s60 deemed prior)	1st 16 PU [\$800](MAX) Subs 40 PU [\$2000](MAX) or 9 months imp Min 12 months disq Vehicle may be impounded if offence is aggravated – see s78A and 80A s51RTA
62	Careless	12 PU [\$600](MAX) s51RTA
62A	Causing excessive noise	12 PU [\$600](MAX) Vehicle may be impounded (See Pt V Div 4 of Act) s 78A and 80A S 51 RTA

NOTE: ALL DISQUALIFICATIONS IMPOSED RE S63, S64, S67 MUST BE ENDORSED “LESS DISQ IMPOSED UNDER S71C & 71D”

SECTION	OFFENCE	PENALTY
63 (1), (2) (a), (b) & (c)	DUI (Prior s 64AB, s 67AA or s 67 deemed prior under this section)	1st [\$900] - [\$2500] + Min 10 months disq (MANDATORY) 1 st with 1 prior 0.08 – [\$1600] – [\$2,500] Min 18 mths disq. (MANDATORY) 1 st with 2 prior 0.08 – [\$1600] – [\$2500] Min 30 mths disq. (MANDATORY) 2nd [\$2100] - [\$3500] or 9 months imp + Min 30 mths disq (MANDATORY) For 1st or 2nd may order CBO (with at least community work 10 -120HRS) in lieu of fine. Subs [\$2100] - [\$5000] or 18 months imp + permanent disq (MANDATORY)

64	Excess.08 See Note below	MAY impose CBO (with at least community work 10 -120hrs) instead of fine If<18 YCBO (with at least community work)
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Blood alcohol content (g/100ml)		1st offence	2nd offence	Subsequent offence
≥ 0.08 but < 0.09	Min: Max: Disq:	\$500 \$1500 6 months min.	\$600 \$1500 8 months min.	\$600 \$1500 10 months min.
≥ 0.09 but < 0.11	Min: Max: Disq:	\$550 \$1500 7 months min.	\$900 \$1500 10 months min.	\$900 \$1500 13 months min.
≥ 0.11 but < 0.13	Min: Max: Disq:	\$650 \$1500 8 months min.	\$1200 \$2000 14 months min.	\$1200 \$2000 17 months min.
≥ 0.13	Min: Max: Disq:	\$750 \$1500 9 months min.	\$1600 \$2500 18 months min.	\$1600 \$3000 30 months min.

Note: ≥ signifies of or above < signifies less than
Prior ss 63 (DUI) or 67 (Fail to comply) deemed prior convictions against this section.
May be convicted of ss64AA instead or if applicable s64A, or 64AAA..
Licence Disqualification periods are the minimum and are mandatory.

SECTION	OFFENCE	PENALTY
64AA	≥ .05 g/100ml See Note below	1 st \$500 (MAX) s 51RTA NO mandatory disq. 2 nd or subs – see table below

Blood alcohol content (g/100ml)		2 nd offence	Subsequent offence
≥ 0.05 but < 0.07	Min: Max: Disq:	\$500 \$1000 6 months min.	\$500 \$1000 8 months min.
≥ 0.07 but < 0.08	Min: Max: Disq:	\$600 \$1000 8 months min.	\$600 \$1000 10 months min.

Note: ≥ signifies of or above

< signifies less than

May be convicted of s 64A or 64AAA instead if applicable

Previous s63, 64, 67 deemed prior

SECTION	OFFENCE	PENALTY (1 ST , 2 ND OR SUBSEQUENT)
64A(1), (4)	≥.02 g/100ml Mandatory 3 months disq for: Provisional licence holders and those who could hold prov lic; under disq pursuant to ss 63 or 67 or subsequent s 64; cancelled under ss75(2a) or 75(2b); holder of EDL; disq w/in 3 yrs	\$150 - \$300 Min 3 months disq MANDATORY s51RTA

SECTION	OFFENCE	PENALTY (1 ST , 2 ND OR SUBSEQUENT)
64AAA(1), (2)	Novice driver with blood alcohol content > 0.00g/100ml Novice driver: Held licence in aggregate < 2years (s 104(2)) Defence in ss(2)	\$150 - \$300

SECTION	OFFENCE	PENALTY
64AB	<p>Driving or attempting to drive whilst impaired by drugs</p> <p>1st offence – Court must instead of or in addition to fine impose a CBO with at least programme requirement. See s 106(7)(b) re under 18's – YCBO with at least attendance condition</p> <p>Court must order a PSR – s106(6)</p> <p>For 2nd or subs offence Court must instead of or in addition to a fine impose</p> <ul style="list-style-type: none"> - CBO with supervision and programme - ISO with programme requirement - S 106(8)(c) re under 18's – YCBO or IYSO with attendance and supervision <p>Previous conviction under ss63, 64AC, 67AA or 67 deemed prior convictions</p>	<p>1st \$900 – 2500 Disq 10 mths min (MANDATORY)</p> <p>2nd \$2100 – \$3500 or 9 mths imprisonment Disq 30 months min (MANDATORY)</p> <p>Subs \$2100 – \$5000 or 18 mths imprisonment Disq permanently (MANDATORY)</p>
64AC	<p>Driving or attempting to drive while a prescribed illicit drug present in person's oral fluid or blood</p> <p>Prior s67AB deemed previous conviction</p>	<p>1st \$500 (MAX) 2nd \$500 – \$1000] Disq min 6 mths (MANDATORY) S51 RTA</p>
67(2)(a), (b) & (c) & (3)	<p>Refuse breath, blood or urine test</p> <p>For 1st or 2nd offence may impose CBO (with at least community work) in lieu of fine. If <18, YCBO with at least community work</p> <p>Prior s63 convictions deemed previous conviction</p>	<p>1st [\$900] - [\$2500] + Min 10 months disq (MANDATORY)</p> <p>1st with 1 prior 0.08 –[\$1600] – [\$2,500] Min 18 mths disq. (MANDATORY)</p> <p>1st with 2 prior 0.08 – [\$1600] – [\$2500] Min 30 mths disq. (MANDATORY)</p> <p>2nd [\$2100] - [\$3500] or 9 months imp + Min 30 mths disq (MANDATORY)</p> <p>For 1st or 2nd may order CBO (with at least community work) in lieu of fine.</p> <p>Subs [\$2100] - [\$5000] or 18 months imp + permanent disq (MANDATORY)</p>

SECTION	OFFENCE	PENALTY
67AA(2)	<p>Failure to comply with requirement to undergo driver assessment, to allow blood to be taken or failure to provide urine sample</p> <p>1st offence – Court must instead of or in addition to fine impose a CBO with at least a programme requirement. See s 106(7)(b). Re under 18's – YCBO with at least attendance requirement</p> <p>2nd or subs – Court must instead of or in addition to a fine impose</p> <ul style="list-style-type: none"> - CBO with supervision and programme requirement - ISO with programme requirement - See s 106(8)(c) re under 18's – YCBO or IYSO with attendance and supervision <p>Prior conviction under s63, 64AB or 67 deemed previous</p>	<p>1st \$900 – \$2500 Disq min 10mths (MANDATORY)</p> <p>2nd \$2100 – \$3500 or 9 mths imprisonment Disq min 30 months (MANDATORY)</p> <p>3rd or subs – \$2100 – \$5000 or 18 mths imprisonment Permanent disq.(MANDATORY)</p>
67AB(2)	<p>Failure to provide sample of oral fluid for testing or allow sample of blood to be taken for testing</p> <p>Prior ss64AC, 67AA or 67 deemed prior conviction</p>	<p>1st \$500(MAX) 2nd or subs \$500 - \$1000 Disq min 6 mths (MANDATORY)</p>
67A(1)	<p>Failure to Comply with Requirement (Prelim Test)</p> <p>Prior s63, 64, 64AB, 67, 67AA or 67AB deemed prior conviction May impose CBO or YCBO in lieu of fine with at least community work</p>	<p>1st 6 PU [\$300] - 16 PU [\$800] Min 3 months disq (MANDATORY)</p> <p>Subs 12 PU [\$600] - 28 PU [\$1400] Min 6 months disq(MANDATORY)</p>

SECTION	OFFENCE	PENALTY
71B(8)	Failure to immediately hand over car keys to police to prevent use of vehicle by suspect or obstructing police in that regard or in moving vehicle	8 PU [\$400] (MAX) Applies to offences under ss63,64, 64AA, 64AAA, 64A or 64AB
75	Cancellation of licence	See handout
77	Drive Contrary to EDL	24 PU [\$1200] (MAX) Cancel EDL unless Special Circumstances make fine adequate
80G	Disposal of interest in impounded vehicle	50 PU [\$2500](MAX)
81F	Offences on Closed Roads	12 PU [\$600]
83(5)	Failure to Comply with Conditions of Temporary Suspension of Act	1st 6 PU [\$300](MAX) Subs 12 PU [\$600] (MAX)
86(2)	Parking other than on Road in Prescribed Area	5 PU [\$250] (MAX)
86(4)	Disobey Direction to Move Vehicle	3 PU [\$150] (MAX)
87(5)	Failure of occupier to Comply with Notice	8 PU [\$400] (MAX) + Daily Penalty 1 PU [\$50] (MAX)
90	Interfere with Parts of Motor Vehicle	1st 8 PU [\$400] (MAX) 2nd 16 PU [\$800] (MAX) s51RTA CBO available (prescribed offence – S 44 Sentencing Act)
97	Various Offences Wilfully Mislead, Forged or Fraudulent Licence Papers Plates etc.	General Penalty 32 PU [\$1 600] (MAX) s51RTA See s 107
102C(3)	Responsible person served with notice enclosing photographic evidence failing, within the time specified in the notice, to supply information required by subsection (3)(a),(b) or (c)	Double the fine under the Act for offence in notice or if more than one amount is provided, double the lower or lowest of those amounts.
107	General Penalty	32 PU [\$1 600] (MAX) Prosecution notice against ss24, 49(1)(a), 53 or 97 must be laid within 2 years

NOTES:

1. S 105 Sentencing Act – disqualification of licence is concurrent with any other term of disqualification unless court orders it to be cumulative (but see s 49 RTA – disqualification must be cumulative).
2. S 105 RTA – Previous convictions greater than 20 years old not to be considered a prior conviction.
3. S 51 RTA – If offender on probationary licence then automatically 3mths disqualification or period set by court, whichever is the longest.
4. S 78B(1) RTA – The fact that a vehicle has been impounded is not relevant and does not affect or limit the imposition of penalties or disqualifications.
5. S 106 – maximum penalties
6. S 106A – minimum disqualification periods