

A Guide to Revised Traffic Infringement Penalties in Western Australia

Effective from 1 January 2007



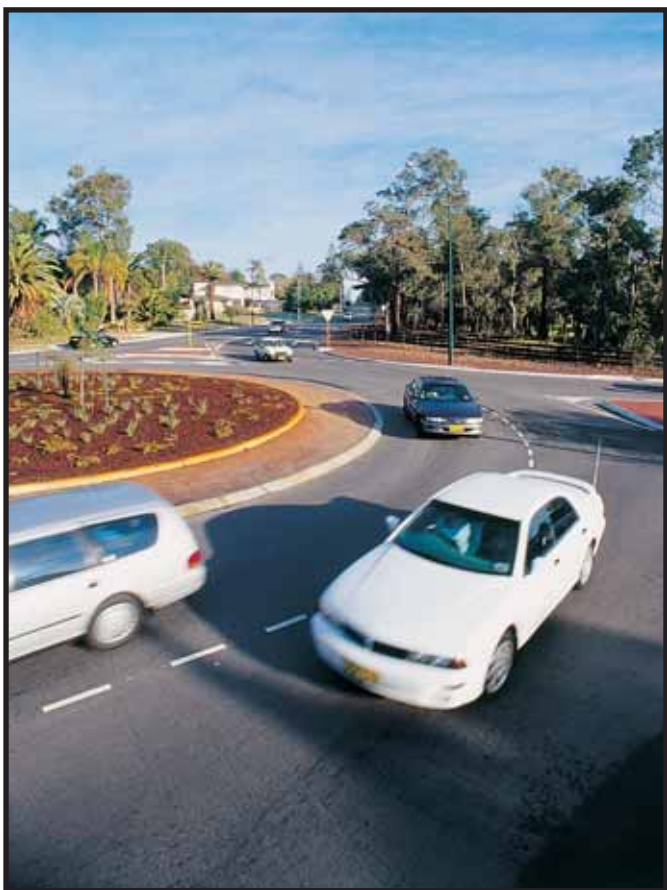
**SPEED AND RED LIGHT
CAMERA FUNDED PROJECT**

About this brochure.

A major review of penalties for traffic offences under the *Road Traffic Code 2000* has identified that some penalties need to change. The penalties for over 50 different traffic offences have been revised accordingly. The existing penalties for a large number of offences are unchanged.

This brochure outlines the revised penalties that will come into effect on 1 January 2007.

The Office of Road Safety website (www.officeofroadsafety.wa.gov.au/penalties) has information comparing the current (pre 2007) penalty with the revised penalty.



Remember to stay safe and drive within the law.

Speeding

Speed in excess of limits or the prevailing conditions is a major factor in road crashes, contributing to around one third of all fatal crashes in Western Australia.

Penalties for speeding have increased in line with the known risk of crashing from this type of behaviour. The biggest increase in penalty is for speeding by 40 km/h or more. The monetary fine for speeding at the lowest range (less than 10 km/h) has increased marginally, with no change in the number of demerit points incurred.

From 1 January 2007 there will be a differentiation between speeding penalties for heavy and light vehicles. A heavy vehicle is a vehicle (together with any trailer attached), other than a bus, that has a Gross Combination Mass of 22.5 tonnes or more. Under the new regime, heavy vehicles will incur a higher monetary fine than light vehicles. This change reflects the potential for greater harm in crashes involving vehicles of this size.

New penalties for speeding by light vehicles

(Cars, motorcycles and other vehicles less than 22.5 tonnes Gross Combination Mass):

Km/h over the speed limit	Fine	Demerits*
Not more than 9 km/h	\$75	0
More than 9 km/h but not more than 19 km/h	\$150	2
More than 19 km/h but not more than 29 km/h	\$250	3
More than 29 km/h but not more than 40 km/h	\$350	5
More than 40 km/h	\$1000	7

* Demerit points are doubled on long weekends and other prescribed holiday periods.

New penalties for speeding by heavy vehicles

(Vehicles with a Gross Combination Mass of 22.5 tonnes or more):

Km/h over the speed limit	Fine	Demerits*
Not more than 9 km/h	\$150	0
More than 9 km/h but not more than 19 km/h	\$250	2
More than 19 km/h but not more than 29 km/h	\$350	3
More than 29 km/h but not more than 40 km/h	\$500	5
More than 40 km/h	\$1000	7

* Demerit points are doubled on long weekends and other prescribed holiday periods.

Speeding by 45 km/h or more constitutes reckless driving. For a first offence the Court can impose a maximum fine of \$1000 or imprisonment for 9 months. Licence suspension of at least 6 months is mandatory. Penalties are higher for repeat offences. Legislation is currently before Parliament which proposes the impoundment of vehicles of drivers caught exceeding the speed limit by 45 km/h or more.

Non-Use of Seat Belts and Other Restraints

Failure to wear seat belts and other restraints contributes to serious injury and death in road crashes.

Motor vehicle drivers and passengers must sit in a seat that has a restraint available and they must have the seat belt or restraint fastened and worn correctly. Passengers are not allowed to travel in the back of trucks, utes or panel vans, unless there are approved seat belts provided.

In line with the known increase in injury severity from not wearing an appropriate restraint, the monetary fine for seat belt offences have increased by \$50 across the board. The number of demerit points incurred remains unchanged.

New penalties for drivers and passengers not being correctly restrained:

Offence	Fine	Demerits*
Driver not wearing seat belt	\$200	3
Driver not ensuring passenger 1-16yrs wears restraint	\$200	3
Driver not ensuring passenger occupies position with seat belt	\$200	3
Driver allowing unrestrained passengers in front row of seats	\$200	3
Driver not ensuring child under 12 months is suitably restrained	\$200	3
Passenger not wearing seat belt	\$200	0
Passenger not occupying seat belted position that is available	\$200	0
Passenger sitting in front row unrestrained	\$200	0
Driver allowing passenger in open utes etc	\$200	3
Passenger riding in open utes etc	\$200	0

* Demerit points are doubled on long weekends and other prescribed holiday periods.



Miscellaneous Traffic Offences

The penalties for a range of traffic offences, have been assessed on the basis of risk or parity with similar offences.

The monetary fines and demerit points incurred have increased or decreased based on this assessment. The tables show the new penalty that will apply from 1 January 2007 onwards. They do not show all traffic offences that are possible within each category, only those offences with revised penalties are listed.

Making turns

Offence	Fine	Demerits
Not complying with markings when making a right turn	\$100	2
Making a U-turn contrary to a NO U-TURN sign	\$100	2
U-turn at intersection contrary to NO U-TURN sign	\$100	2
U-turning without a clear view	\$100	2
Right turn into abutting land from an inappropriate position	\$100	2

Traffic-control signals

Offence	Fine	Demerits
Not leaving a traffic light intersection as soon as possible with yellow light	\$100	0
Not leaving a traffic light intersection as soon as possible if congested	\$100	0
Not giving way at a pelican crossing (marked foot crossing), overtaking a vehicle stopped at a crossing	\$100	3

Giving way

Offence	Fine	Demerits
Not giving way when entering a carriageway	\$150	3
Not giving way when entering land abutting a carriageway	\$150	3
Not giving way to pedestrians on a pedestrian crossing	\$200	3
Not giving way on a painted island	\$150	3
Not giving way in a median turning bay	\$150	3
Not giving way when moving from the boundary of a carriage way	\$150	3
Not giving way when turning from a median strip parking area	\$150	3

Traffic signs and road markings

Offence	Fine	Demerits
Not obeying traffic lane arrows	\$100	2
Stopping on 'Keep Clear' markings	\$100	0

Roundabouts

Offence	Fine	Demerits
Inappropriate use of lanes when entering a multi-lane roundabout	\$100	0
Not obeying arrows when driving in or leaving roundabouts	\$100	2

Keeping left and other driving provisions

Offence	Fine	Demerits
Entering choked intersection	\$100	0
Not keeping left	\$50	2
Not keeping left of median strip	\$150	3
Driving on or over median strip, painted island etc	\$100	1
Failure to give way when changing lanes	\$100	3

Lights and warning devices

Offence	Fine	Demerits
Using fog lights inappropriately	\$100	1
Using headlights on high beam inappropriately	\$100	1
Spotlight on vehicle used to dazzle another road user	\$100	1
Portable warning triangles not being carried by heavy vehicles	\$100	0
Driver of a truck failing to use portable warning triangles for fallen load	\$100	3

Pedestrians

Offence	Fine	Demerits
Pedestrians inappropriately crossing at pedestrian lights	\$50	0
Crossing at traffic lights without pedestrian lights and disobeying the red signal	\$50	0
Pedestrian inappropriately crossing a railway line at a level crossing	\$100	0
Pedestrian unreasonably obstructing a vehicle or other person	\$100	0

Bicycle riders

Offence	Fine	Demerits
Not stopping for red bicycle light	\$50	0
Not stopping for yellow bicycle light	\$50	0

Duties of persons travelling on or in a vehicle

Offence	Fine	Demerits
Driving or travelling with body or limbs protruding from a vehicle	\$50 (driver or passenger)	1 (driver)
Driving while a passenger has body or limb protruding from a vehicle	\$50	1

Drivers of public buses

Offence	Fine	Demerits
Not stopping for a yellow B light	\$100	2

Miscellaneous duties of drivers

Offence	Fine	Demerits
Driving vehicle on a path	\$100	0
Not giving way when driving on a path	\$100	3
Not giving way when driving a motor vehicle (other than a ride-on lawn mower or motorised wheelchair) on a nature strip	\$100	3
Failing to make load secure	\$150	0
Driving backwards for unreasonable distance and without due safety	\$100	1
Driving with interrupted view	\$100	1
Using a hand-held mobile phone	\$100	3

This brochure is a guide only and should not be relied on for legal purposes. Full details of traffic offences and penalties are contained in the *Road Traffic Code 2000*. Copies can be viewed at the Library and Information Service of Western Australia and are available for purchase from the State Law Publisher, 10 William Street, Perth WA 6000 or online at www.slp.wa.gov.au.

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