

1990 - No. 712

TRAFFIC ACT 1909 - REGULATION

(Relating to the speed-limiting of certain motor lorries and buses)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Traffic Act 1909, has been pleased to make the Regulation set forth hereunder.

WAL MURRAY
Minister for Roads.

Commencement

1. This Regulation commences on 1 January 1991.

Amendment

2. The Motor Traffic Regulations 1935 are amended by inserting after Part 10 the following Part:

PART 10A - SPEED LIMITERS

Application of Part

123B. This Part applies:

- (a) on and from 1 January 1991, to a motor lorry or motor omnibus manufactured on or after that date, being:
 - (i) a motor lorry having a manufacturer's gross vehicle mass exceeding 12 tonnes and having an engine power exceeding 300 horsepower; or

- (ii) a motor omnibus having a manufacturer's gross vehicle mass exceeding 14.5 tonnes; and
- (b) on and from 1 July 1991, to a motor lorry or motor omnibus manufactured on or after that date, being:
 - (i) a motor lorry having a manufacturer's gross vehicle mass exceeding 12 tonnes; or
 - (ii) a motor omnibus having a manufacturer's gross vehicle mass exceeding 5 tonnes; and
- (c) on and from the date of the first renewal of the registration of the vehicle on or after 1 January 1991, to a motor lorry or motor omnibus manufactured on or after 1 January 1988, being:
 - (i) a motor lorry having a manufacturer's gross vehicle mass exceeding 20 tonnes; or
 - (ii) a motor omnibus having a manufacturer's gross vehicle mass exceeding 14.5 tonnes; and
- (d) on and from the date of the first registration or renewal of registration of the vehicle on or after 1 January 1992, to a motor lorry manufactured on or after 1 January 1988, being a motor lorry having a manufacturer's gross vehicle mass exceeding 15 tonnes.

Vehicles to be speed-limited

123C. The owner of a vehicle to which this Part applies must not cause, permit or allow the vehicle to stand or be driven on a public street unless the speed at which the vehicle is capable of being driven is limited, in the manner prescribed for the purposes of this Part, to not more than 100 km/h.

Manner of limiting speed

123D. (1) For the purposes of this Part, the manner of limiting the speed of a vehicle is:

- (a) in the case of a vehicle to which Division 6 of Schedule F applies - in the manner prescribed by the Australian Design Rules (Third Edition) in respect of vehicles of that type; and
- (b) in any other case - in the manner prescribed by an order made by the Authority and published in the Gazette.

(2) The requirements imposed by an order under clause (1) (b) are not to be more onerous than the requirements of any Vehicle Safety Bulletin issued by the Commonwealth Office of Road Safety.

Modifications

123E. (1) If the Authority has reason to believe that a vehicle to which this Part applies is capable of being driven at a speed exceeding 105 km/h, the Authority may serve on the owner of the vehicle a notice under this Regulation.

(2) If:

- (a) a driver of any coach or heavy motor vehicle has been convicted of an offence arising out of a contravention of Regulation 124 while driving it and it was found by the court that, at the time of the offence, the driver was driving the vehicle at the speed exceeding 105 km/h; or
- (b) a driver of any coach or heavy motor vehicle has paid a penalty prescribed for the purposes of section 18B of the Act in respect of an alleged offence so arising and the police officer or authorised officer who issued the relevant penalty notice indicated on the notice that, at the time of the alleged offence, the driver was driving the vehicle at a speed exceeding 105 km/h; or
- (c) an order has been made under section 100L of the Justices Act 1902 against a driver of any coach or heavy motor vehicle in respect of an alleged offence so arising and the police officer or authorised officer who issued the relevant penalty notice indicated on the notice that, at the time of the alleged offence, the driver was driving the vehicle at a speed exceeding 105 km/h,

the Authority may serve a notice under this Regulation on the person who, at the time of the offence or alleged offence concerned, was the owner of the vehicle.

(3) By a notice under this Regulation, the Authority may:

- (a) require alterations to be made to the vehicle by the owner on whom the notice was served so that the speed at which it is capable of being driven is limited, in the manner prescribed for the purposes of this Part, to not more than 100 km/h; and

- (b) require the owner on whom the notice was served to supply such information concerning any such alterations made to the vehicle as the notice indicates.

Exemptions

123F. (1) The Authority may:

- (a) by order published in the Gazette or in a newspaper circulating in New South Wales; or
- (b) by notice in writing signed by the Chief Executive of the Authority, or by another person authorised in writing by the Authority, and served on the person who is, or whose vehicle is, to be exempted,

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

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

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

EXPLANATORY NOTE

The object of this Regulation is to provide for the introduction of speed-limiting devices and methods for certain motor lorries and buses.

The Regulation inserts a new Part 10A into the Motor Traffic Regulations 1935. The staged introduction of the requirements of the new Part is provided for in proposed Regulation 123B. On 1 January 1991 the new Part applies to motor lorries heavier than 12 tonnes and of power greater than 300 horsepower, and to buses heavier than 14.5 tonnes, that are manufactured on or after that date. In respect of vehicles manufactured on or after 1 July 1991, the scope of the new requirements is extended to include motor lorries heavier than 12 tonnes, irrespective of engine power, and buses heavier than 5 tonnes. The new Part also applies, in certain cases, to heavy motor lorries and buses manufactured before the commencement of the Regulation (but not before 1988).

The regulation also provides for speed-limiting of coaches and heavy motor vehicles that are involved in speeding offences.
