

1990 - No. 717

TRAFFIC ACT 1909 - ORDER
(Roads and Traffic Authority)

NEW SOUTH WALES



[Published in Gazette No. 137 of 2 November 1990]

The Roads and Traffic Authority, in pursuance of the Traffic Act 1909 and the Motor Traffic Regulations 1935, makes the Order set forth hereunder.

BERNARD FISK,
Chief Executive, Roads and Traffic Authority.

Sydney, 31 October 1990.

Citation

1. This Order may be cited as the Traffic (Monitoring Devices) Exemption Order 1991.

Commencement

2. This Order takes effect on 1 January 1991.

Definitions

3. In this Order:

"**the Act**" means the Traffic Act 1909;

"**the Regulations**" means the Motor Traffic Regulations 1935.

Vehicles exempted from Part 3A of the Act and from Part 10A of the Regulations

4. The vehicles described below, in so far as they are vehicles to which Part 3A of the Act would otherwise apply, are exempt from the operation of that Part. Unless otherwise indicated, the exemption is unconditional.

- (a) a motor vehicle (not being a motor vehicle referred to in section 10G (1) (b) of the Act) which is being used on a journey wholly within a radius of 80km from a depot at which the vehicle is usually stationed.
- (b) A motor vehicle carrying dangerous goods but which is not a heavy motor vehicle.
- (c) A motor vehicle which is registered as a primary producer's vehicle (as defined in the Motor Vehicles Taxation Act 1988), on condition that, whenever the vehicle stands or is driven on a public street, the driver of the vehicle carries satisfactory evidence that the vehicle is so registered.
- (d) A motor vehicle whose driver is, by virtue of Regulation 34 (1) (1) of the Motor Traffic Regulations 1935, exempt from section 6 (1) (c) (v) of the Act.
- (e) A coach exclusively used on a regular passenger service (as defined in the Passenger Transport Act 1990).
- (f) A coach which is used exclusively for the carriage of school children.
- (g) A heavy motor vehicle which (within the meaning of the Motor Traffic Regulations) is an articulated vehicle or a prime mover and which was manufactured before 1 January 1991.
- (h) A motor vehicle registered under the law in force in any place outside New South Wales (including a vehicle registered under the Interstate Road Transport Act 1985 of the Commonwealth, as in force from time to time).
- (i) A motor vehicle:
 - (i) which has just been purchased and is being delivered pursuant to the sale or from the point of sale; or
 - (ii) which is about to be offered for sale and is being driven to a place for that purpose,on condition that the vehicle is not carrying goods in bulk quantity.

(j) A motor vehicle being used as directed by any member of the Police Force or by a prescribed officer within the meaning of Part 3A of the Act.

Exempted persons

5. (1) A person who is the owner of a motor vehicle to which Part 3A of the Act applies is exempt from the operation of section 101 of the Act on condition that a vehicle movement record relating to each journey commenced, on or after the commencement of that section, by the vehicle is preserved for a period of at least 6 months after the date of commencement of the journey.

(2) A person who is the driver of a motor vehicle to which Part 3A of the Act applies is exempt from the operation of section 10J of the Act on condition that such person complies with Regulation 126D of the Regulations.

(3) A person who is the owner of a motor vehicle to which Part 3A of the Act applies is exempt from the operation of Section 10J of the Act on condition that the person -

- (a) ensures that the driver complies with Regulation 126D of the Regulations; and
- (b) himself or herself complies with Regulation 126D of the Regulations; and
- (c) ensures that any automatic data generated by a monitoring device for the purposes of Part 3A of the Act corresponds to the data contained in the relevant duplicate pages furnished to the person in accordance with that Regulation.
