

1993—No. 280

TRAFFIC ACT 1909—REGULATION

(Amendments consequent on the enactment of the Traffic (Parking Regulation) Amendment Act 1993)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Traffic (Parking Regulation) Amendment Act 1993, has been pleased to make the Regulation set forth hereunder.

ANNE COHEN, M.P.,
Acting Minister for Roads.

Commencement

1. This Regulation commences on 1 July 1993.

Amendment of General Traffic Regulations 1916

2. The General Traffic Regulations 1916 are amended by omitting from Section 6.9 (a) the words “Ordinance No. 30 under the Local Government Act 1919” and by inserting instead the words “Part 1 of Chapter 7 of the Local Government Act 1993”.

Amendment of Motor Traffic Regulations 1935

3. The Motor Traffic Regulations 1935 (as amended by the Regulation published in Gazette No. 65 of 25 June 1993 at pages 3112–3121) are amended:

(a) by omitting from Regulation 117S the words “the State Roads Act 1986 or Ordinance No. 30C or 30D made under the Local Government Act 1919” and by inserting instead “the Roads Act 1993 or any regulation in force under that Act”;

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- (b) by omitting from Regulation 120A (5) the words “Ordinances 30C and 30D made under the Local Government Act 1919, as amended, and the Main Roads Act 1924, as amended, the vehicle loaded weight as defined in such Ordinances, ” and by inserting instead the words “the provisions of the Roads Act 1993 or any regulation in force under that Act and the vehicle’s laden weight, as calculated in accordance with those provisions”;
- (c) by omitting from Regulation 120A (5A) the words “, because of an amendment to Ordinance 30C or 30D made under the Local Government Act 1919 or to these Regulations or for any other reason,”;
- (d) by omitting from Regulation 120A (5B) (b) the words “vehicle loaded weight specified in Ordinances 30C and 30D made under the Local Government Act 1919” and by inserting instead the words “laden weight of the vehicle specified in the regulations in force under the Roads Act 1993”;
- (e) by omitting from Regulation 120A (7) the words “Ordinance 30C or Ordinance 30D made under the Local Government Act 1919, as amended, and the Main Roads Act 1924 as amended” and by inserting instead the words “the Roads Act 1993 or the regulations in force under that Act”;
- (f) by omitting from Regulation 121 the words “which has not been transferred to the Commissioner for Main Roads under section 65 of the Main Roads Act 1924, as amended,” and by inserting instead the words “in respect of which the Authority is not exercising the functions of a roads authority under section 66 of the Roads Act 1993”;
- (g) by omitting from Regulation 121 (1) (a) the words “Ordinance No. 30D under the Local Government Act 1919 as amended” and by inserting instead the words “the Roads (Weight of Loads on Roads other than Main Roads) Transitional Regulation 1993”;
- (h) by omitting from Regulation 121 (1) (b), (c) and (d) the words “the said Ordinance” wherever occurring and by inserting instead the words “that Regulation”;
- (i) by omitting from Regulation 130A (1) (d) the words “Part 7 of Schedule K (other than any offences under Ordinance No. 34A or 34C made under the Local Government Act 1919)” and by inserting instead the words “Parts 7, 8 (other than offences under the Traffic (Parlung) Transitional Regulation 1993) and 12 of Schedule K”;

(j) by omitting from Regulation 130A (1) (f1) the words “Ordinance No. 34A made under the Local Government Act 1919” and by inserting instead the words “the Traffic (Parking) Transitional Regulation 1993”;

(k) by omitting from Regulation 130A (1) (f2) the words “Ordinance No. 34C under the Local Government Act 1919” and by inserting instead the words “section 650 of the Local Government Act 1993”;

(l) by omitting Part 7 of Schedule K and by inserting instead the following Part:

PART 7

Offences under the Local Government Act 1993

Offence	Penalty
Any offence under section 650 relating to a notice or sign referred to in section 650 (2) (c)	115
Any other offence under section 650	51

(m) by inserting at the end of Part 8 of Schedule K the following matter:

Traffic (Parking) Transitional Regulation 1993:

All offences under the Regulation	51
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(n) by inserting after Part 11 of Schedule K the following Part:

PART 12

Offences under the Roads Act 1993 and the regulations under that Act

Offence	Penalty
Roads Act 1993:	\$
Any offence under section 115 (4)	51
Roads (General) Transitional Regulation 1993:	
Any offence under clause 18A, 18AA or 18C	51

Amendment of Ordinance No. 34A

4. Ordinance No. 34A under the Local Government Act 1919 (which, by virtue of clause 5 of Schedule 1 to the Traffic Act 1909, is taken to be a regulation under that Act) is amended:

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(a) by omitting clause 1 and by inserting instead the following clause:

Citation

1. This Regulation may be cited as the Traffic (Parking) Transitional Regulation 1993.

(b) by omitting from clause 2 the definition of “the Act” and by inserting instead the following definition:

“**the Act**” means the Traffic Act 1909.

(c) by omitting clause 6 (e) and by inserting instead the following paragraph:

(e) In this clause, “angle parking notice” means a notice displayed under the Motor Traffic Regulations 1935 or the General Traffic Regulations 1916, being a notice that indicates that angle parking is permitted.

(d) by omitting clause 11;

(e) by omitting from clause 13 the words “one hundred dollars” and by inserting instead the words “one penalty unit”;

(f) by omitting from the ordinance the word “Ordinance” wherever occurring and by inserting instead the word “Regulation”;

(g) by omitting all italicised headings (other than headings in forms).

Transitional

5. (1) In any Act or instrument under an Act (whether enacted or made before or after the commencement of this Regulation) or in any other document of any kind a reference to Ordinance No. 34A under the Local Government Act 1919 is to be read as a reference to the Traffic (Parking) Transitional Regulation 1993.

(2) Pending the commencement of Schedule 1 (4) (b), (c) and (d) to the Traffic (Parking Regulation) Amendment Act 1993:

(a) the reference in section 18B (1) (bb) of the Traffic Act 1909 to section 270R of the Local Government Act 1919 is to be read as a reference to section 651 of the Local Government Act 1993; and

(b) the reference in section 18B (1) (bb) of the Traffic Act 1909 to any prescribed offence under any ordinance made for carrying Division 13B of Part 9 of the Local Government Act 1919 into effect is to be read as a reference to an offence under section 650 of the Local Government Act 1993; and

(c) the reference in section 18B (1) (h) of the Traffic Act 1909 to section 100A of the State Roads Act 1986 is to be read as a reference to section 244 of the Roads Act 1993; and

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- (d) the reference in section 18B (1) (h) of the Traffic Act 1909 to any prescribed offence under the State Roads Act 1986 or the regulations under that Act is to be read as a reference to any prescribed offence under the Roads Act 1993 or the regulations under that Act; and
- (e) the reference in section 18B (2) (b) of the Traffic Act 1909 to section 270O or 270R of the Local Government Act 1919 is to be read as a reference to section 651 of the Local Government Act 1993.

EXPLANATORY NOTE

Ordinance No. 34A under the Local Government Act 1919 is to become a regulation under the Traffic Act 1909 by virtue of clause 5 of Schedule 1 to that Act (inserted by the Traffic (Parking Regulation) Amendment Act 1993). The object of this Regulation is to amend that ordinance, and certain other regulations, as a consequence of the commencement of the Traffic (Parking Regulation) Amendment Act 1993. Generally, the amendments ensure that references to provisions of Acts that have been repealed become references to provisions of the Roads Act 1993.

This Regulation is made under the Traffic Act 1909, including section 3 (the general regulation making power) and clause 1 of Schedule 1 (which empowers the regulations to make provision of a savings or transitional nature).
