



New South Wales

Motor Traffic Regulations Amendment (Heavy Vehicles and Miscellaneous Matters) Regulation 1996

under the
Traffic Act 1909

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Traffic Act 1909*.

MICHAEL KNIGHT, MP
Minister for Roads

Explanatory note

The objects of this Regulation are:

- (a) to make the definition of *pensioner* consistent with that contained in the *Road Transport Legislation Amendment Act 1995* and the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*, and
- (b) to make amendments consequential on the commencement of the *Road Transport (Mass, Loading and Access) Regulation 1996*, and
- (c) to make other minor amendments by way of statute law revision to clarify existing provisions and repeal provisions that are no longer required (such as those relating to traffic domes).

This Regulation is made under the *Traffic Act 1909*, including section 3 (the general regulation-making power).

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Clause 1

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1 Name of Regulation

This Regulation is the *Motor Traffic Regulations Amendment (Heavy Vehicles and Miscellaneous Matters) Regulation 1996*.

2 Commencement

This Regulation commences on 1 July 1996.

3 Amendment of Motor Traffic Regulations 1935

The *Motor Traffic Regulations 1935* are amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment of Motor Traffic Regulations 1935

(Clause 3)

[1] Regulation 2 Definitions

Omit “17m in length” from the definition of *Road Train* in Regulation 2 (1).

Insert instead “53m in length”.

[2] Regulation 5 Payment of fees

Omit paragraph (a) of the definition of pensioner from Regulation 5 (1).

Insert instead:

- (a) who is the holder of a Pensioner Concession Card which is in force issued by the Commonwealth Department of Social Security or the Commonwealth Department of Veterans' Affairs, or

[3] Regulation 5 (1)

Insert after paragraph (b) of the definition of pensioner in Regulation 5 (1):

- (b1) who is an armed services widow within the meaning of the *Social Security Act 1991* of the Commonwealth and:
 - (i) who is in receipt of a pension under Part II or IV of the *Veterans' Entitlement Act 1986* of the Commonwealth at the maximum rate applicable under section 1064 (5) of the *Social Security Act 1991* of the Commonwealth, and
 - (ii) who is under the applicable pension age for the person set out in section 5QA of the *Veterans' Entitlements Act 1986* of the Commonwealth, and

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[4] Regulation 46 Issue and form of labels

Omit “Urban Transit Authority” from Regulation 46 (3) (C).
Insert instead “State Transit Authority”.

[5] Regulation 53D Accreditation of riding training instructors

Omit “under section 5 of the *Motor Vehicle Driving Instructors Act 1961*” from Regulation 53D (a).
Insert instead “the *Driving Instructors Act 1992*”.

[6] Regulation 54B Traffic domes

Omit the Regulation.

[7] Regulation 55 Traffic control signs

Omit Regulation 55 (3).

[8] Regulation 68 Passing and overtaking

Omit Regulation 68 (1) (c).

[9] Regulation 71 Right-hand turn at intersection

Omit Regulation 71 (2) (c).

[10] Regulation 84 Standing of vehicles in certain positions

Omit “Australian Postal Commission” from Regulation 84 (d).
Insert instead “Australia Post”.

[11] Regulation 90A Driving on footpath

Omit “Australian Postal Commission” from Regulation 90A (2) (c) (ii).
Insert instead “Australia Post”.

[12] Regulation 92AA Dimensions of motor vehicles

Omit the Regulation.

[13] Regulation 95AA Use of crimson flashing warning lamps on certain council vehicles

Omit “any lamp” from Regulation 95AA (1).
Insert instead “any crimson flashing warning lamp”.

[14] Regulation 95AA (2) (b) and (c)

Omit Regulation 95AA (2) (b) and (c). Insert instead:

(b) the *Road Transport (Mass, Loading and Access) Regulation 1996*.

[15] Regulation 113H

Omit the Regulation.

[16] Regulation 114 Number of vehicles which may be drawn

Insert after Regulation 114 (3A):

(3B) This Regulation does not apply to any vehicle or combination of vehicles with a manufacturers gross vehicle mass or manufacturers gross combination mass of greater than 4.5 tonnes.

[17] Part 9A

Omit the Part.

[18] Regulation 118 Projection of loading or equipment of vehicles

Insert after Regulation 118 (5):

(5A) This Regulation does not apply to any vehicle or combination of vehicles with a manufacturers gross vehicle mass or manufacturers gross combination mass of greater than 4.5 tonnes.

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[19] Regulation 118A Requirements as to certain loadings

Insert before Regulation 118A (1):

- (1A) This Regulation does not apply to any vehicle or combination of vehicles with a manufacturers gross vehicle mass or manufacturers gross combination mass of greater than 4.5 tonnes.

[20] Regulation 118A (1)

Omit “Australian Standard E45–1969 ‘Corner fittings for freight containers’ ” from the definition of *freight container* in Regulation 118A (1).

Insert instead “Australian/New Zealand Standard 3711.3 relating to corner fittings for freight containers”.

[21] Regulation 118A (1)

Omit “prescribed acceleration” from Regulation 118A (1).

Insert instead “prescribed deceleration”.

[22] Regulation 121A Application of Division

Insert after Regulation 121A (2):

- (2) This Division does not apply to any vehicle or combination of vehicles with a manufacturers gross vehicle mass or manufacturers gross combination mass of greater than 4.5 tonnes.

[23] Regulation 123AB

Insert after Regulation 123A:

123AB Application of Road Transport (Mass, Loading and Access) Regulation 1996

- (I) A person or vehicle is exempted from a dimension limit or any other requirement of these Regulations if the person or vehicle is exempted from that limit or requirement by or under a provision of the *Road Transport (Mass, Loading and Access) Regulation 1996*.

(2) A breach of these Regulations is to be disregarded in any prosecution if it is to be disregarded under the *Road Transport (Mass, Loading and Access) Regulation 1996*.

(3) In this Regulation:

dimension limit means any provision of this Regulation that limits or otherwise regulates the dimensions of any vehicle (or any load or projection of a vehicle).

[24] Regulation 130A Prescribed officers and offences (section 188)

Omit Regulation 130A (1) (c2) (ii). Insert instead:

(ii) an offence arising under the *Road Transport (Mass, Loading and Access) Regulation 1996*,

[25] Regulation 130A (1) (f) (iv)

Omit the paragraph. Insert instead:

(iv) an offence arising under the *Road Transport (Mass, Loading and Access) Regulation 1996* in respect of standing or driving a road train or of an overdimension vehicle,

[26] Regulation 130A (1) (f) (vi)

Omit the paragraph.

[27] Regulations 134 and 135

Omit the Regulations.