



New South Wales

Motor Traffic Amendment (Law Revision) Regulation 1997

under the

Traffic Act 1909

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

CARL SCULLY, M.P.,

Minister for Roads

Explanatory note

The objects of this Regulation are:

- (a) to make various minor amendments in the nature of law revision including amendments:
 - (i) consequent on the making of the *Road Transport (Mass, Loading and Access) Regulation 1996*, and
 - (ii) to correct references to various Acts and to Australia Post, and
 - (iii) to correct references to certain penalties, and
- (b) to provide for penalties in relation to breaches of mass limits under the *Road Transport (Mass, Loading and Access) Regulation 1996*.

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

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Clause 1 Motor Traffic Amendment (Law Revision) Regulation 1997

**Motor Traffic Amendment (Law Revision)
Regulation 1997**

1 Name of Regulation

This Regulation is the *Motor Traffic Amendment (Law Revision) Regulation 1997*.

2 Commencement

This Regulation commences on 1 September 1997.

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 Amendments

(Clause 3)

[1] Regulation 5 Payment of fees

Omit “and” from paragraph (b1) (ii) (where firstly occurring) in the definition of *pensioner* in Regulation 5 (1).

[2] Regulation 5 (1), definition of “pensioner”

Omit paragraph (b1) where secondly occurring.

[3] Regulation 53D Accreditation of rider training instructors

Omit “the *Driving Instructors Act 1992*”.

Insert instead “under the *Driving Instructors Act 1992*”.

[4] Regulation 84 Standing of vehicles in certain positions

Omit “the Australia Post” from Regulation 84 (1) (d).

Insert instead “Australia Post”.

[5] Regulation 90A Driving on footpath

Omit “the Australia Post” from Regulation 90A (2) (c) (ii).

Insert instead “Australia Post”.

[6] Regulation 92 Requirements for motor vehicles

Omit “if the motor vehicle is the subject of a specific or general overdimension permit for the time being in force under Part 9A” from Regulation 92 (5A).

Insert instead “if the motor vehicle is exempted from the dimension limits by the operation of Regulation 123AB”.

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

Omit “or unless the motor vehicle is the subject of a specific or general overdimension permit for the time being in force under Part 9N’ from Regulation 114 (1).

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

Omit clause 2.

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

Omit “if is” from Regulation 123AB (2).
Insert instead “if it is”.

[10] Regulation 130A Prescribed officers and offences (section 18B)

Omit Regulation 130A (1) (f) (v).

[11] Schedule F Construction and equipment of motor vehicles

Omit paragraph 86OB.

[12] Schedule F, paragraph 161

Omit “Dimensions of vehicles regulated by permit”.
Insert instead “Exemption by operation of Regulation 123AB”.

[13] Schedule F, paragraph 161 (1)

Omit “is the subject of a specific or general overdimension vehicle permit for the time being in force under Part 9A of these Regulations”.

Insert instead “is exempted from the dimension limits by the operation of Regulation 123AB”.

[14] Schedule F, paragraph 161 (3)

Omit the subparagraph.

[15] Schedule F, paragraph 164

Omit subparagraph (1).

[16] Schedule F, paragraph 164 (2)

Omit “The rear overhang of such a bus”.
Insert instead “If a bus exceeds 12.5 m because of the operation of Regulation 123AB, the rear overhang of the bus”.

[17] Schedule F, paragraph 170

Omit “is the subject of a specific or general overdimension vehicle permit for the time being in force under Part 9A of these Regulations,, from paragraph 170 (1).
Insert instead “is exempted from the dimension limits by the operation of Regulation 123AB”.

[18] Schedule F, paragraph 170 (2)

Omit the subparagraph.

[19] Schedule K Prescribed offences and penalties for the purposes of section 18B of the Act

Omit the matter relating to section 108 of the *Roads Act 1993* from Part 12.

[20] Schedule K, Part 12

Omit the matter relating to clauses 16, 30, 31, 32, 33, 35, 36 and 38 of the *Road Transport (Mass, Loading and Access) Regulation 1996*.
Insert instead:

- Any offence (other than an offence relating to a breach of a mass limit) under clause 16, 36 or 38:
- (a) that involves travelling in an area or on a route other than an area or route on which the vehicle or combination concerned is permitted to travel under an applicable notice or permit 816
 - (b) that involves travelling at a time other than the time at which the vehicle or combination concerned is permitted to travel under an applicable notice or permit 816

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- | | |
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| (c) that involves travelling accompanied by fewer than the number of pilot or escort vehicles required under an applicable permit or notice that applies to the vehicle or combination concerned | 816 |
| (d) that does not involve (a), (b) or (c) | 149 |

Any offence (other than an offence relating to a breach of a mass limit) under:

- | | |
|-----------------|-----|
| Clause 30 | 117 |
| Clause 31 | 149 |
| Clause 32 | 149 |
| Clause 33 | 149 |

[21] Schedule K, Part 12

Insert before the matter relating to clause 41 of the *Road Transport (Mass, Loading and Access) Regulation 1996*:

Any offence under clause 16 relating to a breach of a mass limit:

- | | |
|--|-----|
| (a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum specified by a notice issued, or a permit granted, under Division 2 of Part 3 with respect to that axle: | |
| by not more than 0.5 tonne | 199 |
| by more than 0.5 tonne but not more than 1 tonne | 601 |
| (b) if the offence arises because the axle load on a single axle with dual tyres exceeds the maximum specified by a notice issued, or a permit granted, under Division 2 of Part 3 with respect to that axle: | |
| by not more than 1 tonne | 199 |
| by more than 1 tonne but not more than 1.5 tonnes | 403 |
| by more than 1.5 tonnes but not more than 2 tonnes | 601 |
| by more than 2 tonnes but not more than 2.5 tonnes | 806 |
| (c) if the offence arises because the sum of the axle loads on a twin steer axle group or a tandem axle group exceeds the maximum specified by a notice issued, or a permit granted, under Division 2 of Part 3 with respect to that axle group: | |

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Schedule 1

by not more than 1 tonne	199
by more than 1 tonne but not more than 1.5 tonnes	403
by more than 1.5 tonnes but not more than 2 tonnes	601
by more than 2 tonnes but not more than 2.5 tonnes	806
(d) if the offence arises because the sum of the axle loads on a hi-axle group exceeds the maximum specified by a notice issued, or a permit granted, under Division 2 of Part 3 with respect to that axle group:	
by not more than 1 tonne	199
by more than 1 tonne but not more than 2 tonnes	403
by more than 2 tonnes but not more than 3 tonnes.....	601
by more than 3 tonnes but not more than 4 tonnes	806
(e) if the offence arises because the laden weight of a vehicle exceeds the maximum laden weight specified by a notice issued, or a permit granted, under Division 2 of Part 3 with respect to that vehicle:	
by not more than 1 tonne	199
by more than 1 tonne but not more than 2 tonnes	403
by more than 2 tonnes but not more than 3 tonnes	601
by more than 3 tonnes but not more than 4 tonnes	806
Any offence under clause 31, 32 or 33 relating to a breach of a mass limit:	
(a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum specified in Schedule 1 with respect to that axle:	
by not more than 0.5 tonne	199
by more than 0.5 tonne but not more than 1 tonne	601
(b) if the offence arises because the axle load on a single axle with dual tyres exceeds the maximum specified in Schedule 1 with respect to that axle:	
by not more than 1 tonne	199
by more than 1 tonne but not more than 1.5 tonnes	403
by more than 1.5 tonnes but not more than 2 tonnes	601
by more than 2 tonnes but not more than 2.5 tonnes	806

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- (c) if the offence arises because the sum of the axle loads on a twin steer axle group or a tandem axle group exceeds the maximum specified in Schedule 1 with respect to that axle group:
- | | |
|--|-----|
| by not more than 1 tonne | 199 |
| by more than 1 tonne but not more than 1.5 tonnes | 403 |
| by more than 1.5 tonnes but not more than 2 tonnes | 601 |
| by more than 2 tonnes but not more than 2.5 tonnes | 806 |
- (d) if the offence arises because the sum of the axle loads on a tri-axle group exceeds the maximum specified in Schedule 1 with respect to that axle group:
- | | |
|--|-----|
| by not more than 1 tonne | 199 |
| by more than 1 tonne but not more than 2 tonnes | 403 |
| by more than 2 tonnes but not more than 3 tonnes | 601 |
| by more than 3 tonnes but not more than 4 tonnes | 806 |
- (e) if the offence arises because the laden weight of a vehicle exceeds the maximum specified in Schedule 1 with respect to that vehicle:
- | | |
|--|-----|
| by not more than 1 tonne | 199 |
| by more than 1 tonne but not more than 2 tonnes | 403 |
| by more than 2 tonnes but not more than 3 tonnes | 601 |
| by more than 3 tonnes but not more than 4 tonnes | 806 |

Any offence under clause 36 relating to a breach of a mass limit:

- (a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum specified in a condition of a notice or permit (or of an exemption granted under clause 39) with respect to that axle:
- | | |
|--|-----|
| by not more than 0.5 tonne | 199 |
| by more than 0.5 tonne but not more than 1 tonne | 601 |
- (b) if the offence arises because the axle load on a single axle with dual tyres exceeds the maximum specified in a condition of a notice or permit (or of an exemption granted under clause 39) with respect to that axle:

by not more than 1 tonne	199
by more than 1 tonne but not more than 1.5 tonnes	403
by more than 1.5 tonnes but not more than 2 tonnes	601
by more than 2 tonnes but not more than 2.5 tonnes	806
(c) if the offence arises because the sum of the axle loads on a twin steer axle group or a tandem axle group exceeds the maximum specified in a condition of a notice or permit (or of an exemption granted under clause 39) with respect to that axle group:	
by not more than 1 tonne	199
by more than 1 tonne but not more than 1.5 tonnes	403
by more than 1.5 tonnes but not more than 2 tonnes	601
by more than 2 tonnes but not more than 2.5 tonnes	806
(d) if the offence arises because the sum of the axle loads on a hi-axle group exceeds the maximum specified in a condition of a notice or permit (or of an exemption granted under clause 39) with respect to that axle group:	
by not more than 1 tonne	199
by more than 1 tonne but not more than 2 tonnes	403
by more than 2 tonnes but not more than 3 tonnes	601
by more than 3 tonnes but not more than 4 tonnes	806
(c) if the offence arises because the laden weight of a vehicle exceeds the maximum specified in a condition of a notice or permit (or of an exemption granted under clause 39) with respect to that vehicle:	
by not more than 1 tonne	199
by more than 1 tonne but not more than 2 tonnes	403
by more than 2 tonnes but not more than 3 tonnes	601
by more than 3 tonnes but not more than 4 tonnes	806

[22] Schedule K, Part 12

Omit the matter relating to clause 47 (3) of the *Road Transport (Mass, Loading and Access) Regulation 1996*.

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Insert instead:

Any offence under clause 47 (3) relating to a breach of a mass limit:

- (a) if the offence arises because the axle load on a single steer axle or a single axle with single tyres exceeds the maximum specified in the notice for that class of vehicle with respect to that axle:
 - by not more than 0.5 tonne 199
 - by more than 0.5 tonne but not more than 1 tonne 601
- (b) if the offence arises because the axle load on a single axle with dual tyres exceeds the maximum specified in the notice for that class of vehicle with respect to that axle:
 - by not more than 1 tonne 199
 - by more than 1 tonne but not more than 1.5 tonnes 403
 - by more than 1.5 tonnes but not more than 2 tonnes 601
 - by more than 2 tonnes but not more than 2.5 tonnes 806
- (c) if the offence arises because the sum of the axle loads on a twin steer axle group or a tandem axle group exceeds the maximum specified in the notice for that class of vehicle with respect to that axle group:
 - by not more than 1 tonne 199
 - by more than 1 tonne but not more than 1.5 tonnes 403
 - by more than 1.5 tonnes but not more than 2 tonnes 601
 - by more than 2 tonnes but not more than 2.5 tonnes 806
- (d) if the offence arises because the sum of the axle loads on a tri-axle group exceeds the maximum specified in the notice for that class of vehicle with respect to that axle group:
 - by not more than 1 tonne 199
 - by more than 1 tonne but not more than 2 tonnes 403
 - by more than 2 tonnes but not more than 3 tonnes 601
 - by more than 3 tonnes but not more than 4 tonnes 806
- (e) if the offence arises because the sum of the axle loads of a group of axles (other than an axle group of a kind referred to in (c) or (d)) of a vehicle exceeds the maximum specified in the notice for that class of vehicle with respect to that axle group:

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by not more than 1 tonne	199
by more than 1 tonne but not more than 2 tonnes	403
by more than 2 tonnes but not more than 3 tonnes	601
by more than 3 tonnes but not more than 4 tonnes	806