



New South Wales

Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Miscellaneous) Regulation 2000

under the

Road Transport (Safety and Traffic Management) Act 1999

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Safety and Traffic Management) Act 1999*.

CARL SCULLY, M.P.,

Minister for Roads

Explanatory note

The objects of this Regulation are:

- (a) to permit drivers of NRMA Road Patrol vehicles to drive such vehicles in transit lanes under the *Australian Roads Rules* while on duty and responding to an urgent or priority call, and
- (b) to permit drivers of police vehicles, ambulances and fire brigade vehicles to drive such vehicles in bus lanes and transit lanes under the *Australian Road Rules* while returning to base from an accident or other emergency, and
- (c) to require passengers in taxis who are under 1 year old to be restrained in a suitable approved child restraint, and
- (d) to exempt certain persons involved in special events from the requirement under the *Australian Road Rules* to wear seatbelts, and

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- (e) to make it an offence for a person to drive a motor bike with a passenger unless the person has held a licence for at least 12 months, and
- (f) to make it an offence to ride a bicycle negligently, furiously or recklessly on a road, and
- (g) to specify how a vehicle must be parked in an angle parking space (other than a space designated for parking at an angle of 45° or 135°), and
- (h) to make it clear that it is an offence for a person to use (or cause or permit the use of) certain vehicles carrying dangerous goods in the areas and during the times specified in Schedule 2 to the Regulation, and
- (i) to provide that the requirement under rules 226 and 227 of the *Australian Road Rules* to use portable warning triangles does not apply to the driver of a bus being used to provide regular passenger services in a transport district, and
- (j) to prescribe minimum sizes for “do not overtake turning vehicle” and “give way to buses” signs under the *Australian Road Rules*, and
- (k) to provide that the duties under the *Australian Road Rules* of a driver involved in a crash cannot be discharged by a representative, and
- (l) to make it clear that a mobility parking scheme authority is a “parking permit for people with disabilities” for the purposes of the *Australian Road Rules*, and
- (m) to make other amendments in the nature of law revision.

This Regulation is made under the *Road Transport (Safety and Traffic Management) Act 1999*, including section 71 (the general regulation-making power) and Schedule 1.

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1 Name of Regulation

This Regulation is the *Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Miscellaneous) Regulation 2000*.

2 Commencement

This Regulation commences on 1 July 2000.

3 Amendment of Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999

The *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

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Schedule 1 Amendments

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(Clause 3)

[1] Part 2, Division 3

Insert after the matter relating to Rule 250 (1) in the Table to the note to the Division:

267 (1)

26A

[2] Clause 15 Vehicles permitted to travel in bus lane, tram lane, transit lane or truck lane

Insert “(other than a bus only lane)” in clause 15 (1) (a) and (b) after “bus lane” wherever occurring.

[3] Clause 15 (1) (d) and (e)

Insert after clause 15 (1) (c):

, and

- (d) a person is permitted to drive an NRMA Road Patrol vehicle in a transit lane if the person is on duty with the NRMA Road Patrol service and is responding to an urgent or priority call, and
- (e) a person is permitted to drive a police vehicle, ambulance or fire brigade vehicle in a transit lane or bus lane while returning to base after proceeding to the scene of an accident or other emergency.

[4] Clause 15 (1), note

Omit the note. Insert instead:

Note. Rule 158 of the *Australian Road Rules* provides generally for exceptions to the prohibition on driving in bus lanes. Also, rule 306 of the *Australian Road Rules* provides that the provisions of those Rules do not apply to emergency vehicles (as defined in those Rules) in certain circumstances.

[5] Clause 15 (2)

Insert before the definition of *special purpose vehicle*:

bus only lane means a bus lane to which a bus lane sign of the kind referred to in rule 154 of the *Australian Road Rules* applies where the words “buses only” appear on or with the sign.

[6] Clauses 16 and 21

Insert “, or in an area,” after “length of road” wherever occurring.

[7] Clause 26A

Insert after clause 26:

26A Exemptions from requirement to wear seatbelts

For the purposes of rule 267 (1) of the *Australian Road Rules*, a person is exempt from wearing a seatbelt if the person is authorised by the Authority under clause 28 not to comply with rule 268 of the Rules.

[8] Clause 47A

Insert after clause 47:

47A Passengers on motor bikes not permitted unless rider holds licence for at least 12 months (cf MTR, r 111 (2) (c))

- (1) A person must not ride or use a motor bike on a road for the carriage of any person on the motor bike (other than the rider) unless the rider has held for a period of, or for periods totalling, at least 12 months a motor bike rider’s licence or the equivalent of such a licence issued under the law for the time being in force in any State, Territory or country.

Maximum penalty: 20 penalty units.

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Schedule 1 Amendments

- (2) Subclause (1) does not apply to a person to whom clause 12 (2) (a) of the *Road Transport (Driver Licensing) Regulation 1999* applies.

Note. Clause 12 (2) (a) of the *Road Transport (Driver Licensing) Regulation 1999* makes it an offence for a learner driver to use a motor bike or motor trike on a road or road related area for the carriage of any other person.

[9] Clause 59 Carriage of dangerous goods

Insert after the definition of *tanker* in clause 59 (1):

use a dangerous goods transporter includes drive, stop or park the transporter.

[10] Clause 59 (2)

Omit “stop or park, or cause, permit or allow to stop or park,”.
Insert instead “use, or cause, permit or allow the use of,”.

[11] Clause 59 (3)

Omit “stop or park ” and “parked or stopped ”.
Insert “be used” and “used” respectively.

[12] Clause 96A

Insert after clause 96:

96A Negligent, furious or reckless bicycle riding

- (1) A person must not ride a bicycle negligently on a road.
Maximum penalty: 20 penalty units.
- (2) A person must not ride a bicycle furiously or recklessly on a road.
Maximum penalty: 20 penalty units.

[13] Part 5, Division 3

Insert after Division 2:

Division 3 Angle parking schemes

123A Angle parking at an angle other than 45° or 135° (cf MTR, r 81
(1) (ii))

- (1) If a driver parks in a parking area on the side of a road, or in a median strip parking area, to which a parking control sign or road marking applies, and information on or with the sign or road marking includes the words “angle parking” or “angle” and specifies an angle (other than an angle of 45° or 135°), the driver must position the driver’s vehicle so that:
- (a) it is at an angle as near as practicable to the angle indicated on or with the sign or marking, and
 - (b) it is wholly within any road markings designating a parking space, and
 - (c) if the vehicle is to be parked on the side of the road and the information indicates that vehicle is to be parked with its front to the kerb—the rear of the vehicle must be nearest to the traffic in the marked lane or line of traffic next to the part of the road where the driver parks, and
 - (d) if the vehicle is to be parked on the side of the road and the information indicates that vehicle is to be parked with its rear to the kerb—the front of the vehicle must be nearest to the traffic in the marked lane or line of traffic next to the part of the road where the driver parks.

Maximum penalty: 20 penalty units.

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Schedule 1 Amendments

- (2) An expression used in this clause that is defined in the *Australian Road Rules* has the same meaning as it has in those Rules.

Note. Rule 210 of the *Australian Road Rules* makes provision for angle parking where an angle of 45°, 90° or 135° is specified on or with a parking control sign or road marking. However, clause 13C of Schedule 1 to this Regulation provides that Rule 210 (3) of those Rules (which relates to 90° angle parking) does not apply to drivers of any vehicles. As a consequence, this clause applies to 90° angle parking.

[14] Schedule 1 Qualifications on application of Australian Road Rules

Omit clause 4.

[15] Schedule 1

Insert after clause 13:

13A Drivers of certain buses not required to be equipped with or use portable warning triangles (cf MTR, r 80D (7))

- (1) Rules 226 and 227 of the *Australian Road Rules* do not apply to the driver of a bus that is being used to provide a regular passenger service wholly within a transport district.
- (2) In this clause, *transport district* has the same meaning as it has in the *Transport Administration Act 1988*.

13B Minimum size of “do not overtake turning vehicle” and “give way to buses” signs (cf MTR, rr 54 (8) and (8A) and 74A)

- (1) A traffic related item is a *do not overtake turning vehicle sign* for the purposes of the *Australian Road Rules* only if the item:
- (a) is a traffic related item of the kind referred to in rule 28, 32 or 143 of the *Australian Road Rules*, and
 - (b) has a minimum area of 0.125 sq m and the words “DO NOT OVERTAKE TURNING VEHICLE” appear on the item in block letters not less than 50 mm in height.

- (2) A traffic related item is a *give way to buses sign* for the purposes of the *Australian Road Rules* only if the item:
- (a) is a traffic related item of the kind referred to in rule 77 of the *Australian Road Rules*, and
 - (b) has a minimum area of 0.125 sq m.

13C Angle parking at an angle of 90°

Rule 210 (3) of the *Australian Road Rules* does not apply to the driver of any vehicle.

Note. Rule 210 (3) of the *Australian Road Rules* makes provision for angle parking where an angle of 90° is specified on or with a parking control sign or road marking. Rule 210 of those Rules also makes provision for angle parking at an angle of 45° and 135°. Clause 123A of this Regulation makes provision for angle parking at an angle other than 45° or 135°.

13D Approved child restraints in taxis (cf MTR, r 110GA)

Despite rule 266 (2) and (5) of the *Australian Road Rules*, the driver of a taxi is not exempt from the requirements in rule 266 (2) in respect of a passenger who is under 1 year old.

13E Duties of driver involved in crash cannot be discharged by representative

Rule 287 of the *Australian Road Rules* is to be read as if the matter “(or the driver’s representative)” did not appear in rule 287 (2) and (3).

13F Mobility parking scheme authorities are “parking permits for people with disabilities”

Without limiting the generality of the definition of *parking permit for people with disabilities* in the Dictionary to the *Australian Road Rules*, a mobility parking scheme authority is a permit issued under another law of this jurisdiction for the purposes of that definition.