



New South Wales

Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Rules Consolidation) Regulation 2008

under the

Road Transport (Safety and Traffic Management) Act 1999

Her 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*.

ERIC ROOZENDAAL, M.L.C.,
Minister for Roads

Explanatory note

The object of this Regulation is to amend the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* (**the Principal Regulation**):

- (a) to rename the Principal Regulation as the *Road Transport (Safety and Traffic Management) Regulation 1999*, and
- (b) to make other amendments to the Principal Regulation that are consequential on the consolidation of the road rules applicable in New South Wales in the *Road Rules 2008* and the renaming of the Principal Regulation.

This Regulation is made under the *Road Transport (Safety and Traffic Management) Act 1999*, including paragraph (c) of the definition of **public transport lane offence** in section 57B (1), section 71 (the general regulation-making power) and Schedule 1.

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Clause 1 Road Transport (Safety and Traffic Management) (Road Rules)
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under the

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1 Name of Regulation

This Regulation is the *Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Rules Consolidation) Regulation 2008*.

2 Commencement

This Regulation commences 1 July 2008.

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.

Schedule 1 **Amendment of Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999**

(Clause 3)

[1] Clause 1 Name of Regulation

Omit “(Road Rules)”.

[2] Clause 3 Definitions

Omit clause 3 (1). Insert instead:

(1) In this Regulation:

area of operations means:

- (a) in relation to a council—the council’s local government area, and
- (b) in relation to a declared organisation—the area of operations specified in relation to that organisation in Column 2 of Schedule 3.

articulated vehicle means a motor vehicle having at its rear a portion, on wheels, that is pivoted to, and a part of which (not being a pole, draw-bar or similar device or an accessory of it) is superimposed on, the forward portion of the vehicle.

Authority guidelines means guidelines in force under clause 113.

axle means that part of a vehicle consisting of one or more shafts, spindles or bearings in the same transverse vertical plane or between 2 parallel transverse vertical planes not more than 1 metre apart, by means of which, in conjunction with wheels mounted on such shafts, spindles or bearings, the whole or portion of the weight of the vehicle and its loading is continuously transmitted to the road surface.

axle group means a single axle, a tandem axle group or a tri-axle group.

bus means a motor vehicle built mainly to carry people that seats over 12 persons (including the driver).

centreline of an axle or axle group means a transverse line through the centre of the axle or axle group and that:

- (a) in the case of a single axle comprising more than one axle or a tandem axle group, not being a twin steer axle group:
 - (i) if both axles are fitted with an equal number of tyres, is a line located midway between those axles, or

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- (ii) if one axle is fitted with twice the number of tyres than the other axle, is a line one third of the distance between the axles away from the axle fitted with the greater number of tyres toward the axle fitted with the lesser number of tyres, or
- (b) in the case of a twin steer axle group, is a line located midway between the 2 axles in the group, or
- (c) in the case of a tri-axle group, is a line located midway between the extreme axles.

controlled parking hours, in relation to a pay parking space or pay parking area, means the periods (as set out on the relevant traffic signs) during which a vehicle may not be parked in the space or area unless the relevant parking fee has been paid.

council means the council of a local government area.

coupon parking area has the same meaning as in rule 207–5 of the *Road Rules 2008*.

coupon parking scheme means a scheme of the kind established in accordance with Division 3 of Part 4.

coupon parking space has the same meaning as in rule 207–6 of the *Road Rules 2008*.

declared organisation means an organisation specified in Column 1 of Schedule 3.

disabled person means a person:

- (a) who is unable to walk because of permanent or temporary loss of the use of one or both legs or other permanent medical or physical condition, or
- (b) whose physical condition is detrimentally affected as a result of walking 100 metres, or
- (c) who requires the use of crutches, a walking frame, callipers, scooter, wheelchair or other similar mobility aid.

goods vehicle means:

- (a) a station wagon, or
- (b) a vehicle constructed principally for the conveyance of goods.

heavy goods vehicle means a goods vehicle that is not a light goods vehicle.

light goods vehicle means a goods vehicle that comprises a station wagon or a motor bike combination.

loading zone ticket means a ticket issued by or on behalf of the Authority (by means of a loading zone ticket machine) for display in or on a goods vehicle.

loading zone ticket machine means a device designed to issue loading zone tickets, and includes the stand on which such a device is erected.

metered parking area has the same meaning as in rule 207–1 of the *Road Rules 2008*.

metered parking scheme means a scheme of the kind established in accordance with Division 1 of Part 4.

metered parking space has the same meaning as in rule 207–1 of the *Road Rules 2008*.

mobility parking scheme authority means an authority issued under Division 2 of Part 6.

money based coupon means a parking coupon that allows a person to park a vehicle in a coupon parking space for a period of time calculated by reference to:

- (a) the amount specified on the coupon as the parking fee that has been pre-paid for parking the vehicle in a coupon parking space, and
- (b) the relevant fee for the space.

motor bike means any motor vehicle that has 2 wheels or, if a sidecar or sidebox is attached to it, has 3 wheels and includes a motor tricycle.

motor lorry means any motor vehicle (whether or not in combination with any trailer) that is constructed principally for the conveyance of goods or merchandise or for the conveyance of any kind of materials used in any trade, business or industry, or for use in any work other than the conveyance of persons, but does not include a motor bike or a tractor.

motor tricycle means any motor vehicle with 3 wheels and having a GVM of one tonne or less.

multi-space parking meter means a parking meter that applies to more than one metered parking space.

park has the same meaning as it has in the *Road Rules 2008*.

parking authority means a council or a declared organisation.

parking coupon means a voucher, card or similar article issued by a parking authority (otherwise than by means of a parking ticket machine) for display in or on a vehicle as evidence of the pre-payment of a parking fee.

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parking meter means a device designed to indicate, or capable of indicating, whether the fee determined by the parking authority concerned in respect of any vehicle parking in a metered parking space to which the device applies has been paid, and includes the stand on which such a device is erected.

parking permit means a permit issued under clause 124.

parking ticket means a ticket issued by a parking authority (by means of a parking ticket machine) for display in or on a vehicle as evidence of the pre-payment of a parking fee.

parking ticket machine means a device designed to issue parking tickets, and includes the stand on which such a device is erected.

pay parking area means a coupon parking area, a metered parking area or a ticket parking area.

pay parking device means a device referred to in clause 101 (2) (d) or 107 (2) (d).

pay parking scheme means a metered parking scheme, a coupon parking scheme or a ticket parking scheme.

permissive parking sign means a traffic sign of the kind referred to in rule 204 of the *Road Rules 2008*.

prime mover means a motor vehicle built to tow a semi-trailer.

public passenger service has the same meaning as it has in the *Passenger Transport Act 1990*.

regular passenger service has the same meaning as it has in the *Passenger Transport Act 1990*.

relevant parking fee, in relation to the parking of a vehicle in a pay parking space, means the fee for parking a vehicle in the space, for the day and time during which the vehicle is parked in the space, as indicated on:

- (a) the parking meter or ticket machine for the space (in relation to a metered parking space or a ticket parking space), or
- (b) the permissive parking signs or coupon parking signs for the space (in relation to a coupon parking space).

road—see clause 3 (2).

road related area—see clause 3 (2).

semi-trailer means a trailer (including a pole-type trailer) that has:

- (a) one axle group or single axle towards the rear, and
- (b) a means of attachment to a prime mover that would result in some of the load being imposed on the prime mover.

sidecar means any car, box or other receptacle attached to the side of a motor bike and for the carriage of which a third wheel is provided.

single axle means one axle, or 2 axles the centrelines of which are less than 1 metre apart.

smart card means a stored-value card keeping a record of financial transactions made using the card.

special event parking area has the same meaning as in rule 205A-1 of the *Road Rules 2008*.

station wagon has the same meaning as it has in the *Road Transport (Vehicle Registration) Regulation 2007*.

tandem axle group means a combination of 2 axles, the centrelines of which are not less than 1 metre and not more than 2 metres apart.

the Act means the *Road Transport (Safety and Traffic Management) Act 1999*.

third edition ADR has the same meaning as in the *Road Transport (Vehicle Registration) Regulation 2007*.

ticket-operated loading zone has the same meaning as in rule 179-1 of the *Road Rules 2008*.

ticket parking area has the same meaning as in rule 207-3 of the *Road Rules 2008*.

ticket parking scheme means a scheme of the kind established in accordance with Division 2 of Part 4.

ticket parking space has the same meaning as in rule 207-4 of the *Road Rules 2008*.

time based coupon means a parking coupon that allows a person to park a vehicle in a coupon parking space for the period of time specified on the coupon.

tractor means any motor vehicle constructed principally for the purpose of supplying motive power for machinery or of hauling any vehicle, but that is not capable of carrying any loading (other than tools, spare parts, fuel, water, oil, or other accessories necessary for use in connection with the vehicle) or any part of the weight of a vehicle being drawn or its loading.

traffic sign has the same meaning as it has in the *Road Rules 2008*.

tri-axle group means a combination of 3 axles the centrelines of the extreme axles of which are not less than 2 metres and not more than 3.2 metres apart.

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twin steer axle group means a tandem axle group consisting of 2 single-tyred axles connected to the same steering system, that are fitted to a rigid vehicle or a prime mover.

vehicle, in Part 4, includes a horse.

[3] **Clause 3 (3)**

Omit “*Australian Road Rules*”. Insert instead “*Road Rules 2008*”.

[4] **Clause 3 (4) and note**

Omit clause 3 (4) and the note at the end of the clause.

[5] **Part 2 Australian Road Rules**

Omit the Part.

[6] **Part 3**

Omit the Part heading and the note beneath the heading. Insert instead:

Part 3 Responsibility for certain vehicle use

[7] **Part 3, Divisions 1–7**

Omit the Divisions. Insert instead:

38 Causing, permitting or allowing certain 4.5 tonne vehicles and combinations to be driven in excess of 100 kilometres per hour

- (1) A person (other than a driver) must not cause, permit or allow a vehicle with a GVM over 4.5 tonnes or a vehicle and trailer combination with a GCM over 4.5 tonnes to be driven on a road at a speed in excess of 100 kilometres per hour.

Maximum penalty:

- (a) in the case of a vehicle that is a heavy motor vehicle (within the meaning of rule 10–2 of the *Road Rules 2008*) or coach—30 penalty units, or
- (b) in any other case—20 penalty units.

Note. A driver who drives such vehicles in excess of 100 kilometres per hour will commit an offence under rule 20 of the *Road Rules 2008*. See also rules 21 (2) and 25 (3) (a) of those Rules.

- (2) In this clause:

vehicle, *trailer* and *combination* have the same meanings as in the *Road Rules 2008*.

43 Use of vehicle that drops waste oil or grease

The responsible person for a motor vehicle or trailer (other than the driver) must not cause, permit or allow or fail to take reasonable precautions to prevent a contravention of rule 291–2 of the *Road Rules 2008*.

Maximum penalty: 20 penalty units.

Note. Rule 291-2 of the *Road Rules 2008* provides that the driver of a motor vehicle or trailer must not drive the vehicle without adequate precautions being taken to prevent waste oil or grease from the machinery, or from any other part, of the vehicle from dropping on the roadway.

47 Use of motor bike sidecars

- (1) The responsible person for a motor bike that is ridden with a passenger in a sidecar must not cause, permit or allow or fail to take reasonable precautions to prevent a contravention of rule 271 of the *Road Rules 2008* in relation to how persons travel in the sidecar.

Maximum penalty: 20 penalty units.

Note. Rule 271 of the *Road Rules 2008* provides for how persons are to ride motor bikes and travel in sidecars.

- (2) Subclause (1) does not apply to the rider of a motor bike or a passenger in a sidecar.

48 Number of vehicles that may be drawn together

A person (other than a driver) must not cause or permit a vehicle to be driven in contravention of rule 294–1 (1) of the *Road Rules 2008*.

Maximum penalty: 20 penalty units.

Note. Rule 294-1 of the *Road Rules 2008* provides that (subject to certain exceptions) a driver must not drive any of the following vehicles unless written permission is first obtained from the Commissioner of Police and all conditions of the permission are strictly complied with:

- (a) an articulated vehicle towing any motor vehicle, trailer or other vehicle,
- (b) any other motor vehicle towing more than one motor vehicle, trailer or other vehicle.

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55 Use of lights on vehicles generally

A person (other than a driver) must not cause or permit a light or other device fitted to a vehicle to be used in contravention of rule 218–1 of the *Road Rules 2008*.

Maximum penalty: 20 penalty units.

Note. A driver who uses a light or other device fitted to the driver's vehicle in contravention of rule 218–1 of the *Road Rules 2008* will also commit an offence under that rule.

56 Use of crimson flashing warning lights on certain local council vehicles

- (1) A person (other than a driver) must not cause or permit any crimson flashing warning light permitted to be fixed to a motor vehicle by clause 124 (4)–(9) of Schedule 2 to the *Road Transport (Vehicle Registration) Regulation 2007* to be used unless the vehicle is being used by an employee of a council for the purposes of enforcing excess weight limits legislation.

Maximum penalty: 20 penalty units.

Note. See rule 221–1 (1) of the *Road Rules 2008* for the corresponding offence in relation to drivers.

- (2) In this rule:
excess weight limits legislation means any of the following:
- (a) Chapter 3 of the *Road Transport (General) Act 2005*,
 - (b) the *Road Transport (Mass, Loading and Access) Regulation 2005*.

58 Use of lights on stationary vehicles

- (1) A person (other than a driver) must not cause or permit a motor vehicle or trailer to stand on a road during a period of darkness unless the rear light and any clearance or side marker light required to be fitted to the vehicle by Schedule 2 to the *Road Transport (Vehicle Registration) Regulation 2007* are lighted.

Maximum penalty: 20 penalty units.

Note. See rule 220–1 (1) of the *Road Rules 2008* for the corresponding offence in relation to drivers of motor vehicles.

- (2) Subclause (1) does not apply to the standing of a vehicle on a length of road with street lighting that renders a motor vehicle or trailer clearly visible.
- (3) A person (other than a driver) must not cause or permit a motor vehicle to stand on a road during a period of darkness with its

headlight lighted while the vehicle is not actually engaged in dropping off, or picking up, passengers.

Maximum penalty: 20 penalty units.

Note. See rule 220–1 (3) of the *Road Rules 2008* for the corresponding offence in relation to drivers of motor vehicles.

- (4) In this clause:
period of darkness has the same meaning as in the *Road Rules 2008*.

59 Carriage of dangerous goods in prohibited areas

- (1) A person (other than a driver) must not cause, permit or allow the use of a dangerous goods transporter on or in any prohibited area.
Maximum penalty: 20 penalty units.
Note. Rule 300-2 of the *Road Rules 2008* provides that the driver of a dangerous goods transporter must not use the vehicle on or in certain prohibited areas.
- (2) The Commissioner of Police may issue a permit (whether with or without conditions) authorising a dangerous goods transporter to be used in a prohibited area.
- (3) A person does not commit an offence against subclause (1) if the dangerous goods transporter is:
- (a) displaying a permit issued under subclause (2) authorising it to be used in the prohibited area concerned, and
 - (b) used in accordance with any conditions on which the permit was issued.
- (4) The holder of a permit issued under subclause (2) who, without lawful excuse, contravenes a condition of the permit is guilty of an offence.
Maximum penalty: 20 penalty units.
- (5) A permit issued under clause 59 of this Regulation that was in force immediately before the commencement of this clause continues in force (subject to its conditions) as a permit for the purposes of this clause, unless it is revoked by the Commissioner of Police.
- (6) Terms or expressions used in this clause that are defined for the purposes of rule 300–2 of the *Road Rules 2008* have the same meanings as in that rule.

[8] Part 3, Division 8

Omit the Division heading.

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[9] Clauses 81–86

Omit the clauses.

[10] Clause 87

Omit the clause. Insert instead:

87 Use of lengthy vehicles in central Sydney and on certain other roads

- (1) A person (other than a driver) must not cause or permit a lengthy vehicle to be driven in contravention of rule 300–3 of the *Road Rules 2008*.

Maximum penalty: 20 penalty units.

Note. Rule 300–3 of the *Road Rules 2008* provides that the driver of a lengthy vehicle must not, unless written permission is first obtained from the Authority and all the conditions of the permission are strictly complied with, drive the vehicle during certain times on weekdays in specified parts of central Sydney and other roads.

- (2) In this clause, *lengthy vehicle* has the same meaning as in rule 300–3 of the *Road Rules 2008*.

[11] Clause 88 Use of toy vehicles on roads

Omit the clause.

[12] Clause 90 Inspection of driver licences by responsible persons

Insert at the end of clause 90 (1):

Note. Rule 300–5 of the *Road Rules 2008* makes it an offence for the driver of a motor vehicle not to carry his or her driver licence.

[13] Clause 90 (2) and note

Omit the subclause and the note.

[14] Clause 93 School buses

Omit clause 93 (1).

[15] Clause 93 (4)

Omit the subclause.

[16] Clause 93 (5)

Omit “subclauses (3) and (4)”. Insert instead “subclause (3)”.

[17] Clause 93 (6)

Omit the subclause.

[18] Clause 94 Warning signs and lights for school buses

Omit clause 94 (3)–(5).

[19] Clause 94 (7) (a)

Omit “clause, and”. Insert instead “clause.”.

[20] Clause 94 (7) (b)

Omit the paragraph.

[21] Clauses 96A and 96B

Omit the clauses.

[22] Clause 97 Metered parking schemes

Insert at the end of the clause:

Note. Rules 207–1 and 207–2 of the *Road Rules 2008* make provision for parking in metered parking areas. Clause 3 (1) defines a ***metered parking area*** and ***metered parking space*** to have the same meanings as in rule 207–1.

[23] Clause 98 Metered parking areas

Insert at the end of clause 98 (1):

Note. Rules 207–1 and 207–2 of the *Road Rules 2008* make provision for parking in metered parking areas. Clause 3 (1) defines a ***metered parking area*** and ***metered parking space*** to have the same meanings as in rule 207–1.

[24] Clause 98 (2)

Omit the subclause.

[25] Clauses 100–100B

Omit clause 100. Insert instead:

100 Misuse of parking meters

A person must not:

- (a) insert in a parking meter anything other than cash (notes or coins) or other means of payment, such as a smart card, as specified on the meter, or
- (b) deface any parking meter or affix anything (such as advertising matter) to any parking meter.

Maximum penalty: 20 penalty units.

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100A Damage to parking meters

A person must not:

- (a) damage a parking meter, or
- (b) do anything that interferes with (or is likely to interfere with) the proper working of a parking meter, or
- (c) fraudulently operate a parking meter.

Maximum penalty: 20 penalty units.

100B Temporary closure of metered parking space

- (1) A parking authority may, if it decides that the use of a metered parking space should be temporarily discontinued, close the space.
- (2) A metered parking space is closed for the purposes of subclause (1) if a sign displaying words to the effect that the space is temporarily closed is erected in, or in close proximity to, the space.

Note. A driver who parks in a space that is temporarily closed under this clause may commit an offence under rule 207-7 of the *Road Rules 2008*.

[26] Clause 101 Ticket parking schemes

Insert at the end of the clause:

Note. Rules 207-3 and 207-4 of the *Road Rules 2008* make provision for parking in ticket parking areas. Clause 3 (1) defines a **ticket parking area** and **ticket parking space** to have the same meanings as in rules 207-3 and 207-4 respectively.

[27] Clauses 102-103A

Omit clauses 102 and 103. Insert instead:

102 Use of false or damaged parking tickets

A person must not display in or on a vehicle that is parked in a ticket parking area:

- (a) any article or thing resembling a parking ticket that falsely suggests that the relevant parking fee has been paid, or
- (b) any parking ticket that is altered, defaced, mutilated or illegible.

Maximum penalty: 20 penalty units.

103 Misuse of ticket machines

A person must not:

- (a) insert in a parking ticket machine anything other than cash (notes or coins) or other means of payment, such as a smart card, as specified on the machine, or
- (b) deface any parking ticket machine or affix anything (such as advertising matter) to any ticket machine.

Maximum penalty: 20 penalty units.

103A Temporary closure of ticket parking areas and spaces

- (1) A parking authority may, if it decides that the use of a ticket parking area or ticket parking space should be temporarily discontinued, close the area or space.
- (2) A ticket parking area or ticket parking space is closed for the purposes of subclause (1) if a sign displaying words to the effect that the area or space is temporarily closed is erected in, or in close proximity to, the area or space.

Note. A driver who parks in a space or area that is temporarily closed under this clause may commit an offence under rule 207-7 of the *Road Rules 2008*.

[28] Clause 107 Coupon parking schemes

Insert at the end of the clause:

Note. Rules 207-5 and 207-6 of the *Road Rules 2008* make provision for parking in coupon parking areas. Clause 3 (1) defines a **coupon parking area** and **coupon parking space** to have the same meanings as in rules 207-5 and 207-6 respectively.

[29] Clauses 108 and 109

Omit the clauses. Insert instead:

108 Use of false or damaged parking coupons

A person must not display in or on a vehicle that is parked in a coupon parking area:

- (a) any article or thing resembling a parking coupon that falsely suggests that the relevant parking fee has been paid, or
- (b) any parking coupon that is altered, defaced, mutilated or illegible.

Maximum penalty: 20 penalty units.

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109 Temporary closure of coupon parking areas and spaces

- (1) A parking authority may, if it decides that the use of a coupon parking area or coupon parking space should be temporarily discontinued, close the area or space.
- (2) A coupon parking area or coupon parking space is closed for the purposes of subclause (1) if a sign displaying words to the effect that the area or space is temporarily closed is erected in, or in close proximity to, the area or space.

Note. A driver who parks in a space or area that is temporarily closed under this clause may commit an offence under rule 207-7 of the *Road Rules 2008*.

[30] Clause 118A

Insert after clause 118:

118A Powers of police in emergency

- (1) A police officer may, during a temporary obstruction or danger to traffic or in an emergency:
 - (a) direct a person not to cause or permit any vehicle to park in any part of a pay parking area, or
 - (b) direct the responsible person for or driver of a vehicle parking in any part of a pay parking area to remove the vehicle from that part or (if no person appears to be in charge of the vehicle) to remove the vehicle from that part.
- (2) A person must not, without reasonable excuse, fail to comply with a direction under this clause.
Maximum penalty: 20 penalty units.

[31] Clause 119 Ticket-operated loading schemes

Insert at the end of the clause:

Note. Rule 179-1 of the *Road Rules 2008* makes provision for parking in ticket-operated loading zones. Clause 3 (1) defines a ***ticket-operated loading zone*** to have the same meaning as in that rule.

[32] Clause 120 Ticket-operated loading zones

Omit the clause.

[33] Clauses 121A and 121B

Insert after clause 121:

121A Loading zone ticket machines and misuse of loading zone tickets

- (1) Tickets issued by a loading zone ticket machine are to be free of charge.
- (2) A loading zone ticket is to differentiate between heavy goods vehicles and light goods vehicles by specifying an expiry time that:
 - (a) in relation to a heavy goods vehicle, is 30 minutes after the time of its issue, and
 - (b) in relation to a light goods vehicle, is 15 minutes after the time of its issue.
- (3) A person must not:
 - (a) deface any loading zone ticket machine or affix anything (such as advertising material) to any loading zone ticket machine, or
 - (b) intentionally cause any loading zone ticket machine to produce more than one ticket on any one occasion (except for the purpose of obtaining a ticket that is not mutilated or illegible), or
 - (c) interfere with any loading zone ticket machine, unless lawfully authorised to do so.

Maximum penalty: 20 penalty units.

- (4) A person must not display in or on a goods vehicle that is parked in a ticket-operated loading zone:
 - (a) any article or thing resembling a loading zone ticket that falsely suggests that the goods vehicle is parked lawfully in the zone, or
 - (b) any loading zone ticket that is altered, defaced, mutilated or illegible.

Maximum penalty: 20 penalty units.

121B Temporary closure of ticket-operated loading zones

- (1) The Authority may, if it decides that the use of a ticket-operated loading zone should be temporarily discontinued, close the zone.

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- (2) A ticket-operated loading zone is closed for the purposes of subclause (1) if a sign displaying words to the effect that the zone is temporarily closed is erected in, or in close proximity to, the zone.

[34] Clause 122 Special event parking schemes

Insert at the end of the clause:

Note. Rule 205A–1 of the *Road Rules 2008* makes provision for parking in special event parking areas. Clause 3 (1) defines a **special event parking area** to have the same meaning as in that rule.

[35] Clause 123 Special event parking areas

Omit the clause.

[36] Part 5, Division 3

Omit the Division.

[37] Clause 126J

Omit the clause. Insert instead:

126J Relaxation of parking restrictions

Rule 206 of the *Road Rules 2008* extends the period during which a vehicle displaying a scheme authority may be park on a road, or in an area, to which a permissive parking sign applies when the vehicle is being used for:

- (a) the conveyance of the disabled person to whom the scheme authority was issued, or
- (b) the conveyance of disabled persons by the organisation to which the scheme authority was issued.

[38] Clause 126N Production of scheme authorities and other documents to authorised officers

Omit “*Australian Road Rules*” from clause 126N (1) (a).

Insert instead “*Road Rules 2008*”.

[39] Clause 131 Devices that are prescribed for the purposes of section 50 of Act

Omit “*Australian Road Rules*” from clause 131 (1) (a) wherever occurring (including the note).

Insert instead “*Road Rules 2008*”.

[40] Clause 131 (1) (c)

Omit the paragraph. Insert instead:

- (c) any pay parking device, parking meter or parking ticket machine.

[41] Clause 131 (2), definition of “traffic control device”

Omit “*Australian Road Rules*” wherever occurring (including the note).

Insert instead “*Road Rules 2008*”.

[42] Clause 132 Offences

Omit “A person must not drive or” from clause 132 (3).

Insert instead “A person (other than a driver) must not”.

[43] Clause 132 (3)

Omit “*Australian Road Rules*”. Insert instead “*Road Rules 2008*”.

[44] Clause 132 (3)

Insert at the end of the subclause (after the maximum penalty):

Note. Rule 316-2 of the *Road Rules 2008* provides that a driver must not drive a motor vehicle if a *do not overtake turning vehicle sign* is displayed on the rear of the vehicle or on the rear of a trailer that is attached to the vehicle unless the vehicle is, or the vehicle and trailer together, are 7.5 metres long or longer.

[45] Clause 138 Schemes to assist children to cross roads

Omit “*Australian Road Rules*” from clause 138 (8) wherever occurring.

Insert instead “*Road Rules 2008*”.

[46] Clause 141 Manner of limiting speed

Omit “ADR (3rd Ed)” from clause 141 (1) (a).

Insert instead “third edition ADR”.

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Schedule 1 Amendment of Road Transport (Safety and Traffic Management) (Road
Rules) Regulation 1999

[47] Part 12A

Insert after Part 12:

Part 12A Offences

153A Determination of criminal responsibility

(1) Application of Commonwealth Criminal Code

Subject to this clause, Chapter 2 of the *Criminal Code* set out in the Schedule to the *Criminal Code Act 1995* of the Commonwealth (*the Commonwealth Criminal Code*) applies to an offence against this Regulation as if the Chapter were in force as a law of New South Wales.

Note. Chapter 2 of the Commonwealth Criminal Code codifies the general principles of criminal responsibility.

(2) Offences are strict liability offences

An offence against this Regulation is a strict liability offence for the purposes of Chapter 2 of the Commonwealth Criminal Code (as applied by subclause (1)), except where this Regulation expressly provides otherwise.

(3) General defence of accident or reasonable effort

Without limiting any defence under Chapter 2 of the Commonwealth Criminal Code (as applied by subclause (1)), a person is not liable to a penalty for any offence under this Regulation if the person proves to the satisfaction of the court dealing with the case that the offence:

- (a) was the result of an accident, or
- (b) could not have been avoided by any reasonable efforts on the person's part.

(4) Operation of Crimes (Sentencing Procedure) Act 1999 not affected

Nothing in this Regulation affects the application of the *Crimes (Sentencing Procedure) Act 1999* in relation to this Regulation (particularly, Divisions 4 and 5 of Part 2 of that Act).

Note. Divisions 4 and 5 of Part 2 of the *Crimes (Sentencing Procedure) Act 1999* contain provisions relating to how offence provisions are to be interpreted. For instance, section 17 of that Act defines the amount of a penalty unit. Similarly, section 18 of that Act sets out rules for interpreting provisions in legislation that impose penalties.

153B No double jeopardy for offence under this Regulation and the Road Rules 2008

If an act or omission constitutes an offence under this Regulation and the *Road Rules 2008*, the offender is not liable to be punished twice in respect of the offence.

[48] Clause 154 Penalties and disqualifications for speeding offences

Omit the clause.

[49] Clause 155 Removal of unattended vehicles: section 76

Omit “*Australian Road Rules*” from clause 155 (1) (a)–(c) wherever occurring.

Insert instead “*Road Rules 2008*”.

[50] Clause 155 (1) (d)

Omit “clause 96B”. Insert instead “the *Road Rules 2008*”.

[51] Clause 156C

Insert after clause 156B:

156C Public transport lane offences

For the purposes of paragraph (c) of the definition of *public transport lane offence* in section 57B (1) of the Act, the following offences are prescribed:

- (a) rule 154 (1) of the *Road Rules 2008*,
- (b) rule 157–1 of the *Road Rules 2008*.

[52] Clause 158 Failure to comply with order, notice, direction or requirement

Insert “or the *Road Rules 2008*” after “this Regulation” wherever occurring.

[53] Clause 158 (1), note

Omit the note.

[54] Clause 158 (2), note

Omit “75 (2)”. Insert “118A (2)”.

[55] Clause 159 False or misleading information

Insert “or the *Road Rules 2008*” after “this Regulation”.

[56] Clause 159, note

Omit the note.

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[57] Clause 161 Certain provisions not to apply to emergency vehicles

Omit the clause.

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

Omit the Schedule.

[59] Schedule 2 Prohibited areas for dangerous goods transporters

Omit the Schedule.

[60] Schedule 3 Declared organisations

Omit "Dictionary" from the source reference for the Schedule.

Insert instead "clause 3 (1)".

[61] Dictionary

Omit the Dictionary.

BY AUTHORITY
