



New South Wales

# Road Transport Legislation Amendment (Miscellaneous) Regulation 2019

under the

Road Transport Act 2013

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport Act 2013*.

ANDREW CONSTANCE, MP  
Minister for Transport and Roads

## Explanatory note

The objects of this Regulation are—

- (a) to amend the *Road Rules 2014* to—
  - (i) provide that a driver of a public bus travelling along tram tracks to which B lights apply must follow the rules for B lights, and
  - (ii) permit the driver of a vehicle to use a mobile phone in certain situations while the vehicle is stationary and it is necessary to use the phone to complete a transaction, and
  - (iii) to extend the circumstances in which a member of Airservices Australia is deemed to be an **emergency worker**, and
- (b) to amend the *Road Transport (General) Regulation 2013* to—
  - (i) make consequential amendments arising from the *Road Transport (Vehicle Registration) Amendment (Bull Bar Settings) Regulation 2019*, and
  - (ii) update a reference to the requirements for vehicle frontal protection systems, and
- (c) to amend the *Road Transport (Vehicle Registration) Regulation 2017* to make it clear when a vehicle is taken to have equipment mentioned in the Light Vehicle Standards Rules.

This Regulation is made under the *Road Transport Act 2013*, including sections 23 (the general power to make regulations and rules), 24, 25 and Schedule 1.

## **Road Transport Legislation Amendment (Miscellaneous) Regulation 2019**

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### **1 Name of Regulation**

This Regulation is the *Road Transport Legislation Amendment (Miscellaneous) Regulation 2019*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

## Schedule 1 Amendment of Road Rules 2014

**[1] Rule 273 Division applies to tram recovery vehicles and public buses travelling along tram tracks where B lights do not apply**

Insert after rule 273(2)—

- (2-1) However, this Division does not apply to the driver of a public bus travelling along tram tracks to which B lights apply.

**Note.** This subrule is an additional NSW subrule. There is no corresponding subrule in rule 273 of the *Australian Road Rules*.

**[2] Rule 280 Application of Division**

Omit “is driving in a bus lane.” from rule 280(1).

Insert instead—

is—

- (a) driving in a bus lane, or
- (b) travelling along tram tracks to which B lights apply.

**[3] Rule 280(1), note**

Omit “tram tracks—see rule 273.”

Insert instead “tram tracks to which B lights do not apply—see rule 273.”

**[4] Rule 280(1), note 2**

Insert after the note to rule 280(1)—

**Note 2.** This subrule is not uniform with the corresponding subrule in rule 280 of the *Australian Road Rules*. Different rules may apply in different jurisdictions.

**[5] Rule 300 Use of mobile phones**

Insert after rule 300(1)—

- (1-1) Subrule (1) does not apply if—

- (a) the vehicle is stationary in a road related area, and
- (b) the phone—
  - (i) is functioning as a payment device to enable the driver to pay for goods or services that are required to be paid for in the road related area, or
  - (ii) is being used to display an electronic coupon, voucher, card or similar article that requires the body of the phone to be held in close proximity to another device located in the road related area in order for the article to be used or redeemed, or
  - (iii) is being used as an electronic device that enables the driver to enter another road related area or land adjacent to the road related area.

**Note.** This subrule is an additional NSW subrule. There is no corresponding subrule in rule 300 of the *Australian Road Rules*.

**[6] Rule 300-1 NSW rule: use of mobile phones by drivers who are holders of learner and provisional P1 or P2 licences**

Insert after rule 300-1(2) (before the note)—

- (3) Subrule (1) does not apply if—

- (a) the vehicle is stationary in a road related area, and
- (b) the phone—
  - (i) is functioning as a payment device to enable the driver to pay for goods or services that are required to be paid for in the road related area, or
  - (ii) is being used to display an electronic coupon, voucher, card or similar article that requires the body of the phone to be held in close proximity to another device located in the road related area in order for the article to be used or redeemed, or
  - (iii) is being used as an electronic device that enables the driver to enter another road related area or land adjacent to the road related area.

**[7] Dictionary**

Omit “transport in the course of a fire or rescue emergency, or” from paragraph (b1) of the definition of *emergency worker*.

Insert instead—

transport—

- (i) in an emergency associated with the provision of aid to sick or injured persons, or
- (ii) in the course of a fire or rescue emergency, or

## **Schedule 2      Amendment of Road Transport (General) Regulation 2013**

### **Schedule 5 Penalty notice offences**

Omit “manufactured on or after 1 January 2003 (except if the model of the vehicle is a model of a kind manufactured before 1 January 2003) that has a GVM of not more than 3.5 tonnes and that is fitted with a vehicle frontal protection system (such as bullbar, roobar or nudge bar) failing to comply with AS 4876.1–2002 *Motor vehicle frontal protection systems—Road user protection*” from paragraphs (c) and (d) of the item relating to clause 60(1)(b)(i) of the *Road Transport (Vehicle Registration) Regulation 2017*.

Insert instead “fitted with a vehicle frontal protection system (such as bullbar, roobar or nudge bar) failing to comply with the document titled *Technical specification: Requirements for vehicle frontal protection systems fitted to light vehicles* published on a publicly accessible website maintained by Transport for NSW and as in force from time to time”.

## **Schedule 3      Amendment of Road Transport (Vehicle Registration) Regulation 2017**

### **Schedule 2 Light Vehicle Standards Rules**

Insert “if the equipment is” before “fitted to a trailer” in rule 20(1)(b).