



New South Wales

# Road Amendment (Miscellaneous) Rule 2020

under the

Road Transport Act 2013

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

ANDREW CONSTANCE, MP  
Minister for Transport and Roads

## Explanatory note

The object of this Rule is to amend the *Road Rules 2014* to—

- (a) allow the court to impose on a driver a disqualification period that accounts for a suspension period imposed for the same offence of driving over the speed limit by 30 kilometres per hour but not more than 45 kilometres per hour,
- (b) to provide that a motorised wheelchair may only travel 10 kilometres per hour or under for the purpose of permitting a motorised wheelchair to drive on a path,
- (c) make drivers of vehicles being used for the purposes of, or in connection with, approved traffic enforcement devices (such as mobile speed cameras and transportable mobile phone detection cameras) exempt from certain parking rules relating to dividing strips and nature strips,
- (d) allow for specific parking exemptions for a relevant government officer.

This Rule is made under the *Road Transport Act 2013*, including sections 21, 23 (the general statutory rule-making power), 26 and Schedule 1.

## **Road Amendment (Miscellaneous) Rule 2020**

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### **1 Name of Rule**

This Rule is the *Road Amendment (Miscellaneous) Rule 2020*.

### **2 Commencement**

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

## Schedule 1 Amendment of Road Rules 2014

### [1] Rule 10–2 NSW rule: penalties and disqualifications for speeding offences

Omit rule 10–2(5)(b). Insert instead—

- (b) is disqualified from holding a driver licence by a conviction for the offence (and without any specific order) for 3 months or, if the court on the conviction thinks fit to order a different period of disqualification determined in accordance with subrule (5A), is disqualified for the period specified in the order.

### [2] Rule 10–2(5A)

Insert after rule 10–2(5)—

#### (5A) Court-ordered disqualification periods under subrule (5)

In determining a different period of disqualification under subrule (5) for a driver who commits a speeding offence, the court may specify a period that is—

- (a) more than 3 months, or
- (b) less than 3 months, but only if—
  - (i) the person’s driver licence or authority to drive in New South Wales has been suspended for a period (*the suspension period*) under Division 4 of Part 7.4 of the Act for that offence, and
  - (ii) the specified disqualification period when added to the suspension period results in a total period of no less than 3 months.

### [3] Rule 288 Driving on a path

Omit “cannot travel above” from rule 288(3)(b). Insert instead “is not travelling over”.

### [4] Rule 307–1, heading

Omit the heading. Insert instead—

#### 307–1 NSW rule: exemption for drivers conducting traffic enforcement operations

### [5] Rule 307–1(1)

Omit “a mobile speed camera (comprising one or more approved traffic enforcement devices approved for speed measurement and excess speed imaging within the meaning of the Act)”.

Insert instead “an approved traffic enforcement device”.

### [6] Rule 307–3

Insert after rule 307–2—

#### 307–3 NSW rule: Exemption for relevant government officer

- (1) A provision listed in subrule (3) does not apply to a driver who is a relevant government officer acting in the course of that person’s employment if—
  - (a) in the circumstances—
    - (i) the driver is taking reasonable care, and
    - (ii) it is reasonable that the provisions should not apply, and

- (b) the vehicle displays a notice firmly attached to the inside surface of the windscreen of the vehicle that is clearly visible to a person standing immediately outside the vehicle.
- (2) A notice under subrule (1)(b) must include the following—
- (a) a statement that includes the following wording—
- The driver of this vehicle is a government officer on official duties and is exempt from certain parking rules under Rule 307–3 of the *Road Rules 2014*,
- (b) the make and model of the vehicle,
- (c) the registration number of the vehicle,
- (d) the phone number of the agency directing the driver.
- (3) This rule applies to the following provisions—
- rule 168 (but only if the no parking sign displays an exemption for buses, coaches or car share vehicles)
  - rule 168–1 NSW Rule: restricted parking areas
  - rule 178 Stopping in an emergency stopping lane
  - rule 179 Stopping in a loading zone
  - rule 179–1 NSW Rule: stopping in ticket-operated loading zone
  - rule 180 Stopping in a truck zone
  - rule 181 Stopping in a works zone
  - rule 182 Stopping in a taxi zone
  - rule 197 Stopping on a path, dividing strip, nature strip, painted island or traffic island
  - rule 198 Obstructing access to and from a footpath, driveway etc (provided the driver’s vehicle has hazard lights on and a person attached to the driver’s functions remains with the vehicle or the driver has blocked the way of access to ensure that no other vehicle can pass)
  - rule 201 Stopping on a road with bicycle parking sign
  - rule 202 Stopping on a road with motor bike parking sign
  - rule 205 Parking for longer than indicated
  - rule 205A–1 NSW rule: parking in special event parking areas
  - rule 207 Parking where fees are payable
  - rule 207–1 NSW rule: parking in metered parking areas
  - rule 207–2 NSW rule: parking in metered parking spaces
  - rule 207–3 NSW rule: parking in ticket parking areas
  - rule 207–4 NSW rule: parking in ticket parking spaces
  - rule 207–5 NSW rule: parking in coupon parking areas
  - rule 207–6 NSW rule: parking in coupon parking spaces
  - rule 207–8 NSW rule: parking in phone parking areas
  - rule 207–9 NSW rule: parking in phone parking spaces
- (4) In this rule—
- relevant government officer*** means a person—

- (a) who is an employee of Sydney Trains or the Transport Service attending an incident on the NSW rail network that directly or indirectly impacts on train operations or passengers, or
- (b) who is a sheriff's officer within the meaning of the *Sheriff Act 2005*.

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