



Australian Capital Territory

## **Road Transport (Safety and Traffic Management) Regulations 2000**

**Subordinate Law 2000 No 10**

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The Australian Capital Territory Executive makes the following regulations under the *Road Transport (Safety and Traffic Management) Act 1999*.

Dated 25 February 2000.

**BRENDAN SMYTH**  
Minister

**GARY HUMPHRIES**  
Minister

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# Road Transport (Safety and Traffic Management) Regulations 2000

Subordinate Law 2000 No 10

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*Road Transport (Safety and Traffic Management) Act 1999*

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## CHAPTER 1—PRELIMINARY

### 1 Name of regulations

These regulations are the *Road Transport (Safety and Traffic Management) Regulations 2000*.

### 2 Commencement

These regulations commence on the commencement of the *Road Transport (General) Act 1999*.

### 3 Definitions—the dictionary (NSW cl 3 (1) and (4))

(1) The dictionary at the end of these regulations is part of these regulations.

*Note 1* The dictionary defines certain words and expressions used in these regulations, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in these regulations or elsewhere in the road transport legislation.

For example, the signpost definition ‘*semitrailer*—see the *Road Transport (Vehicle Registration) Regulations 2000*, dictionary.’ means the word ‘semitrailer’ is defined in the dictionary to those regulations and the definition applies to these regulations.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire regulations unless the definition, or another provision of the regulations, provides otherwise or the contrary intention otherwise appears (see *Interpretation Act 1967*, s 11F and s 11G as applied by the *Subordinate Laws Act 1989*, s 9).

(2) The definitions in the dictionary do not apply to the Australian Road Rules unless these regulations provide otherwise.

### 4 Notes (NSW cl 4)

(1) A note in these regulations is explanatory and is not part of these regulations.

*Note* See *Interpretation Act 1967*, s 12 (1) and (4)–(5) (as applied by the *Subordinate Laws Act 1989*, s 9) for the legal status of notes.

(2) In this regulation—

***note*** includes material enclosed in brackets in regulation headings.

*Note 1* For comparison, a number of regulations contain bracketed notes in their headings drawing attention to equivalent or comparable (though not necessarily identical) provisions of Acts or other regulations. Abbreviations in the notes include the following:

- MTA: *Motor Traffic Act 1936*, as in force immediately before the commencement of these regulations



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- MTR: *Motor Traffic Regulations 1934*, as in force immediately before the commencement of these regulations
- NSW: *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* (NSW)
- NSW (Gen): *Road Transport (General) Regulation 1999* (NSW)

*Note 2* The abbreviation ARR, for the Australian Road Rules, has also been used in some regulation headings.

## CHAPTER 2—AUSTRALIAN ROAD RULES

### PART 2.1—INCORPORATION INTO ACT LAW

#### **5 What are the Australian Road Rules (NSW cl 5)**

In these regulations, the *Australian Road Rules* are that part of the publication known as the Australian Road Rules, ISBN 0 7240 8874 1, published by the National Road Transport Commission on 19 October 1999 that consists of the rules approved by the Australian Transport Council under the *National Road Transport Commission Act 1991* (Cwlth) on 29 January 1999 (together with the amendments of the rules approved by the Australian Transport Council on 30 June 1999 and 11 October 1999).

*Note* Copies of the Australian Road Rules, as published by the National Road Transport Commission, are available from the ACT Publishing Services.

The latest version of the Australian Road Rules is also available in electronic form on the commission's Internet site at <http://www.nrtc.gov.au> or on the Commonwealth Office of Legislative Drafting's Internet site at <http://law.gov.au/nrtc>. However, care should be taken in consulting the latest electronic version on either site because its provisions may differ from the version of the Australian Road Rules mentioned in these regulations.

#### **6 Incorporation of Australian Road Rules into ACT law (NSW cl 6)**

- (1) The Australian Road Rules (other than rule 2) are to be read with, and as if they formed part of, these regulations.
- (2) Subregulation (1) has effect subject to these regulations.

**PART 2.2—HOW THE AUSTRALIAN ROAD RULES ARE INCORPORATED**

***Division 2.2.1—General***

*Note 1* The Australian Road Rules are not completely self-contained and need to be read with associated laws of each jurisdiction. Many of the rules provide for ‘another law of this jurisdiction’ to define terms used in the Australian Road Rules for application of the Australian Road Rules in the ACT, to permit things to be done in the ACT otherwise prohibited by the Australian Road Rules or to exempt persons in the ACT from complying with the Australian Road Rules.

*Note 2* The following table sets out the provisions of the Australian Road Rules for which provision is made by this Part:

ARR provision	provision of these regulations	ARR provision	provision of these regulations
10 (2)	8	271 (6)	27
95	9	287 (3) (e) and (4)	28
104	10	289 (1) (g)	29
151 (3) (b)	11	298	30
158 (2) (c)	12	310 (3) and (4)	31
179 (1) (c)	13	313	32
199 (2)	14	dict, def <b><i>approved bicycle helmet</i></b>	33 (1)
206 (2) (b) and (c)	15	dict, def <b><i>authorised person</i></b>	33 (1)
207 (2) (a)	16	dict, def <b><i>emergency worker</i></b>	33 (1)
215 (3)	17	dict, def <b><i>GVM</i></b>	33 (2)
216 (3)	18	dict, def <b><i>hazard warning lights</i></b>	33 (3)
220 (3)	19	dict, def <b><i>mechanical signalling device</i></b>	33 (1)
221 (f)	20	dict, def <b><i>oversize vehicle</i></b>	33 (1)
222	21	dict, def <b><i>police officer</i></b>	33 (1)
225	22	dict, def <b><i>portable warning device</i></b>	33 (4)
240 (2)	23	dict, def <b><i>postal worker</i></b>	33 (1)
266 (7)	24	dict, def <b><i>public bus</i></b>	33 (1)
267 (3)	25	dict, def <b><i>taxi</i></b>	33 (1)
270 (3)	26		

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*Note 3* The following table sets out other provisions of the Australian Road Rules for which provision is made by other Territory laws (including provisions in other Parts of these regulations):

ARR provision	Other law
12 (2)	<i>Road Transport (General) Act 1999</i> , s 12
13 (2)	<i>Road Transport (General) Act 1999</i> , s 12
28 (2), n 3	these regulations, reg 65
32 (2), n 3	these regulations, reg 65
185 (1)	these regulations, reg 100
287 (1), n 2	<i>Road Transport (Safety and Traffic Management) Act 1999</i> , s 16
311 (1) (c)	<i>Road Transport (Dimensions and Mass) Act 1990</i>
312 (3) (c)	<i>Road Transport (Safety and Traffic Management) Act 1999</i> , ss 31-32
dict, def <i>parking permit for people with disabilities</i>	these regulations, reg 101

**7 References to another law of this jurisdiction etc** (NSW cl 10)

(1) In the Australian Road Rules, a reference to *another law of this jurisdiction* includes a reference to the Act and these regulations.

(2) In the Australian Road Rules—

*law of this jurisdiction* means a Territory law or a law applying as a Territory law.

*this jurisdiction* means the Australian Capital Territory.

**Division 2.2.2—Other provisions for the Australian Road Rules**

**8 ARR r 10 (2)—penalties for offences** (NSW cl 37)

For subrule 10 (2) of the Australian Road Rules, the penalty for an offence against the Australian Road Rules is a maximum penalty of 20 penalty units.

**9 ARR r 95—emergency stopping lane only signs** (NSW cl 11)

For rule 95 of the Australian Road Rules, the driver of a police or emergency vehicle is permitted to drive in an emergency stopping lane.

**10 ARR r 104—no truck signs (NSW cl 12)**

For rule 104 of the Australian Road Rules, a driver is permitted to drive a vehicle on a road (or a bridge, causeway, ramp or similar structure forming part of a road) past a *no trucks sign* mentioned in subrule 104 (1), (2) or (3) if the destination of the driver's vehicle is a place on or reached from the road (or structure) and there is no alternative route by which to reach the destination.

**11 ARR r 151 (3) (b)—riding a motorbike or bicycle alongside more than 1 other rider**

For paragraph 151 (3) (b) of the Australian Road Rules, the rider of a motorbike or bicycle is permitted to ride alongside more than 1 rider if each of the riders is taking part in an event approved by the road transport authority for this regulation.

**12 ARR r 158 (2) (c)—vehicles permitted to travel in bus lanes (NSW cl 15)**

- (1) For paragraph 158 (2) (c) of the Australian Road Rules—
- (a) the driver of a taxi is permitted to drive in a bus lane; and
  - (b) the rider of a motorbike is permitted to drive in a bus lane.
- (2) In this regulation—  
*taxi* includes a private hire car and a restricted hire vehicle.

**13 ARR r 179 (1) (c)—stopping in a loading zone (NSW cl 17)**

- For paragraph 179 (1) (c) of the Australian Road Rules—
- (a) the driver of a motor vehicle that is built mainly for the transport of goods and is dropping off, or picking up, goods is permitted to stop in a loading zone; and
  - (b) the driver of a vehicle displaying a current loading zone permit is permitted to stop in a loading zone in accordance with the conditions of the permit.

**14 ARR r 199 (2)—stopping near a postbox (NSW dict, pt 2)**

For subrule 199 (2) of the Australian Road Rules—  
*public postbox* means a postbox erected, maintained or used by Australia Post.

**15 ARR r 206 (2) (b) and (c)—parking by people with disabilities permit holders** (NSW cl 21, cl 126)

(1) For paragraph 206 (2) (b) of the Australian Road Rules, a driver to whom rule 206 of the Australian Road Rules applies may park for not longer than 2 hours on a length of road, or in an area, to which a *permissive parking sign* applies if the maximum period of parking allowed by the sign is not longer than 30 minutes.

(2) For paragraph 206 (2) (c) of the Australian Road Rules, a driver to whom rule 206 of the Australian Road Rules applies may park for an unlimited period on a length of road, or in an area, to which a *permissive parking sign* applies if the maximum period of parking allowed by the sign is longer than 30 minutes.

**16 ARR r 207 (2) (a)—fees for parking in pay parking spaces** (NSW cl 22)

(1) For paragraph 207 (2) (a) of the Australian Road Rules, if a *permissive parking sign* applies to a length of road or area that is (or is part of) a pay parking area, the relevant parking fee is payable for parking in a pay parking space on the road or in the area.

(2) For this regulation, the relevant parking fee does not become payable under subregulation (1) until immediately after a vehicle is parked in the pay parking space concerned.

*Note* Part 3.1 of these regulations makes provision for the administration of pay parking schemes (including the designation of pay parking areas by the erection of permissive parking signs and the fixing of fees).

**17 ARR r 215 (4)—lights required to be fitted to a vehicle**

For subrule 215 (4) of the Australian Road Rules, the lights required to be fitted to a vehicle are the lights required to be fitted to the vehicle under Schedule 1 to the *Road Transport (Vehicle Registration) Regulations 2000*.

**18 ARR r 216 (3)—towing a vehicle at night or in hazardous weather conditions** (NSW dict, pt 2)

For subrule 216 (3) of the Australian Road Rules—

*dangerous goods*—see *Road Transport Reform (Dangerous Goods) Regulations 1997* (Cwlth), regulation 2.2.

*placard load*—see *Road Transport Reform (Dangerous Goods) Regulations 1997* (Cwlth), regulation 2.13.

**19 ARR r 220 (3)—using lights on vehicles that are stopped**

For subrule 220 (3) of the Australian Road Rules, a light of a kind required to be fitted to a vehicle is a light of that kind required to be fitted to the vehicle under Schedule 1 to the *Road Transport (Vehicle Registration) Regulations 2000*.

**20 ARR r 221 (f)—using hazard warning lights on buses carrying children**

(1) This regulation applies to a bus that is carrying children and is fitted with hazard warning lights in accordance with Schedule 1 to the *Road Transport (Vehicle Registration) Regulations 2000*, but is not fitted with any other warning lights in accordance with that Schedule.

(2) For paragraph 221 (f) of the Australian Road rules, if the driver of the bus stops the bus to drop off or pick up a child, the driver is permitted to operate the hazard warning lights.

**21 ARR r 222—using warning lights on buses carrying children**

(1) This regulation applies to a bus that is carrying children and is fitted with warning lights (other than hazard warning lights) in accordance with Schedule 1 to the *Road Transport (Vehicle Registration) Regulations 2000*.

(2) For rule 222 of the Australian Road Rules, the driver of the bus must operate the warning lights by activating them.

**22 ARR r 225—use of radar detectors (NSW cl 23)**

Every driver is exempt from rule 225 of the Australian Road Rules.

*Note* Rule 225 of the Australian Road Rules is superfluous in the ACT because subsection 9 (2) of the Act makes it an offence for a person to drive or park a motor vehicle on a road or road related area if a traffic offence evasion device is fitted to, applied to, or carried in the vehicle.

**23 ARR r 240 (2)—wheeled recreational devices and toys not to be used on certain roads (NSW cl 25)**

For subrule 240 (2) of the Australian Road Rules, a person must not travel in or on a wheeled recreational device on any road at night.

**24 ARR r 266 (7)—wearing of seatbelts by passengers under 16 years old** (NSW dict, pt 2)

For subrule 266 (7) of the Australian Road Rules—

*approved child restraint* means a child restraint that is approved by the road transport authority under paragraph 66 (Approvals etc by road transport authority) (1) (b).

**25 ARR r 267 (3)—certificates of exemption from wearing seatbelts** (NSW cl 27)

For subrule 267 (3) of the Australian Road Rules, a certificate is issued under a law of this jurisdiction for a person if—

- (a) the certificate is signed by a doctor; and
- (b) it certifies that—
  - (i) the person cannot wear a seatbelt for medical reasons; or
  - (ii) the person cannot, because of that person's size, build or any other physical characteristic, safely drive a vehicle while wearing a seatbelt.

**26 ARR r 270 (3)—wearing motorbike helmets** (NSW dict, pt 2)

For subrule 270 (3) of the Australian Road Rules—

*approved motor bike helmet* means a protective helmet for motor bike riders that is approved by the road transport authority under paragraph 66 (Approvals etc by road transport authority) (1) (c).

**27 ARR r 271 (6)—riding on motorbikes** (NSW cl 29)

For subrule 271 (6) of the Australian Road Rules—

- (a) subrule 271 (2) of the Australian Road Rules does not apply to a passenger on a motorbike to the extent that the passenger is exempt from the subrule under regulation 67 (Exemption from requirement about riding on motorbikes); and
- (b) subrule 271 (3) of the Australian Road Rules does not apply to the rider of a motorbike in relation to a passenger to the extent that, under paragraph (a), subrule 217 (2) does not apply to the passenger.



**28 ARR r 287 (3) (e) and (4)—duties of participants in crashes**  
(NSW cl 30)

(1) For paragraph 287 (3) (e) of the Australian Road Rules, every crash not mentioned in paragraphs 287 (3) (a) to (d) of the Australian Road Rules must be reported to a police officer.

*Note* Paragraph 287 (3) (e) of the Australian Road Rules requires the driver (or the driver's representative) to give the driver's required particulars, within the required time, about a crash to a police officer if the crash is required to be reported to a police officer under another law of this jurisdiction.

(2) For the definition of *required particulars* in subrule 287 (4) of the Australian Road Rules, information required to be given to a police officer about a crash includes an explanation of the circumstances of the crash.

**29 ARR r 289 (1) (g)—driving on a nature strip** (NSW cl 31)

For paragraph 289 (1) (g) of the Australian Road Rules, a driver may drive a vehicle on a nature strip adjacent to a length of road in a built-up area if the vehicle—

- (a) is a motor vehicle (other than a ride-on lawnmower) that is built and used solely for cutting grass, or for purposes incidental to cutting grass; or
- (b) is a motor vehicle that is designed for cleaning footpaths and is being driven on the nature strip for the purpose of cleaning a footpath and is displaying an amber flashing light; or
- (c) is being used to transport goods or materials for use in (or for the purposes of) the construction or maintenance of roads by or on behalf of the Territory; or
- (d) is being used by a person in the course of his or her duties as a person authorised under these regulations to use a traffic offence detection device.

**30 ARR r 298—driving with a person in or on a trailer**

- (1) For rule 298 of the Australian Road Rules, a trailer is exempt if—
- (a) the trailer is being towed by a police or emergency vehicle; or
  - (b) the carriage of passengers is permitted in a part of the trailer and anyone in the trailer is in that part; or
  - (c) anyone who is in the trailer is engaged in the door-to-door delivery or collection of goods, or in the collection of waste or garbage, and the trailer is not travelling faster than 25 km/h; or

- (d) in all the circumstances, there is no reasonable danger of anyone in the trailer falling from the trailer or being injured.
- (2) For this regulation, the carriage of passengers is permitted in a part of a trailer if the part is designed primarily for—
  - (a) the carriage of passengers; or
  - (b) the carriage of goods, but is enclosed.
- (3) In this regulation—

**enclosed**, for a part of a trailer, means enclosed by—

  - (a) the structure of the trailer; or
  - (b) a canopy, cage or other device fitted to the trailer that is of a kind approved by the road transport authority under paragraph 66 (Approvals etc by road transport authority) (1) (d).

*in* includes on.

**31 ARR r 310 (3), (4)—exemption for road workers etc**

- (1) For paragraph 310 (3) (b) of the Australian Road Rules, the road transport authority may authorise a person to engage in speed zoning tests.
- (2) For the definition of **road work** in subrule 310 (4) of the Australian Road Rules, the road transport authority may authorise—
  - (a) installation or maintenance work on, above or below a road; or
  - (b) installation or maintenance of a traffic control device; or
  - (c) a traffic survey.
- (3) This regulation is additional to, and does not limit, any other power of the road transport authority or anyone else under a Territory law to authorise something mentioned in this regulation.

*Note* Under the Act, the road transport authority can authorise a person to install or display (or to interfere with, change or remove) a prescribed traffic control device.

**32 ARR r 313—postal workers (NSW cl 32)**

For rule 313 of the Australian Road Rules —

- (a) rule 186 (Stopping in a mail zone) of the Australian Road Rules does not apply to the driver of a postal vehicle; and

- (b) rule 288 (Driving on a path) of the Australian Road Rules does not apply to the driver of a postal vehicle if—
  - (i) the vehicle is a motorbike with an engine capacity of not more than 110mL; and
  - (ii) the vehicle is being driven at a speed of not more than 10km/h.

**33 ARR dict—definitions for dictionary (NSW dict, pt 2)**

- (1) For the dictionary to the Australian Road Rules—

***approved bicycle helmet*** means a protective helmet for bicycle riders that is approved by the road transport authority under paragraph 66 (Approvals etc by road transport authority) (1) (a).

***authorised person***, for a provision of the Australian Road Rules, means a person who is appointed as an authorised officer under the *Road Transport (General) Act 1999* for the Australian Road Rules or the provision.

***emergency worker*** means—

- (a) a member of the ambulance service rendering or providing transport for sick or injured people; or
- (b) a member of the fire brigade, the rural fire fighting service or the emergency service providing transport in an emergency; or
- (c) a person who is declared by the road transport authority under paragraph 66 (Approvals etc by road transport authority) (1) (e) to be an emergency worker.

***mechanical signalling device***, in relation to a vehicle, means a device that—

- (a) is fitted to the vehicle; and
- (b) is a mechanical signalling device or turn signal that complies with Schedule 1 to the *Road Transport (Vehicle Registration) Regulations 2000*.

**oversize vehicle** means a vehicle that has a dimension that, including the dimension of any load, exceeds a relevant dimension limit under the *Road Transport (Dimensions and Mass) Act 1990*, the *Road Transport (Vehicle Registration) Regulations 2000*, or this regulation.

**police officer**—see *Interpretation Act 1967*, dictionary.

**postal worker** means an employee of Australia Post or anyone else engaged by Australia Post to deliver post.

**public bus** means a motor vehicle that—

- (a) is built mainly to carry people; and
- (b) seats more than 8 adults (including the driver); and
- (c) is used to transport passengers for hire or reward or in the course of trade or business.

**taxi** means a taxi or restricted taxi under the *Road Transport (General) Act 1999*, and (except in rule 182) includes a private hire car and a restricted hire vehicle under that Act.

(2) For paragraph (b) of the definition of **GVM** in the dictionary to the Australian Road Rules—

**vehicle registration authority** means—

- (a) the road transport authority; or
- (b) the corresponding authority of another jurisdiction.

(3) For the definition of **hazard warning lights** in the dictionary to the Australian Road rules—

**another law of this jurisdiction** means Schedule 1 to the *Road Transport (Vehicle Registration) Regulations 2000*.

(4) For the definition of **portable warning triangle** in the dictionary to the Australian Road rules, a portable warning triangle is approved if it—

- (a) is in the form of an equilateral triangle; and
- (b) has a minimum height of 300mm; and
- (c) has, on the front and back, red reflecting sheeting or material, or 9 red reflectors arranged in a triangular shape, causing a red reflection that would be clearly visible to the driver of a vehicle at night when the upper beam of light from any headlight on the vehicle (complying with the relevant provisions of Schedule 1 to the *Road Transport*

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(*Vehicle Registration) Regulations 2000*) is projected directly onto the sign from a distance of 200m; and

- (d) is of a robust and durable construction, capable of being readily erected to stand in an upright position and capable of remaining unaffected (to any material degree) by any reasonable force of wind or variation in weather conditions.

***Division 2.2.3—Offences against the Australian Road Rules***

**34 Application of Criminal Code (Cwlth) (NSW cl 33)**

Chapter 2 of the *Criminal Code* set out in the Schedule to the *Criminal Code Act 1995* (Cwlth) applies to an offence against the Australian Road Rules as if the Chapter were in force as a Territory law.

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

**35 Offences are strict liability offences (NSW cl 34)**

An offence against the Australian Road Rules is a strict liability offence for Chapter 2 of the *Criminal Code*.

**36 General defence of accident or reasonable effort (NSW cl 35)**

Without limiting any defence under Chapter 2 of the *Criminal Code*, it is a defence to an offence against the Australian Road Rules if the defendant proves that the offence—

- (a) was the result of an accident; or
- (b) could not have been avoided by any reasonable efforts by the defendant.

## **PART 2.3—ADDITIONAL ACT ROAD RULES**

*Note* The Australian Road Rules are not completely self-contained and need to be read with associated laws of each jurisdiction. This Part sets out some of the associated laws that are particular to the ACT. Provisions of Acts and other regulations included in the road transport legislation contain other provisions that are particular to the ACT.

### ***Division 2.3.1—Noise and other nuisances***

#### **37 Making unnecessary engine noise (NSW cl 42)**

The driver of a motor vehicle on a road must not make unnecessary noise by turning on, running or failing to turn off the vehicle's engine.

Maximum penalty: 20 penalty units.

*Note* Under rule 291 of the Australian Road Rules it is an offence to start or drive a vehicle in a way that makes unnecessary noise or smoke.

#### **38 Emission of waste oil or grease (NSW cl 43)**

(1) A person must not use a motor vehicle or trailer on a road unless adequate precautions have been taken to prevent waste oil or grease from the machinery or from any other part of the vehicle from dropping onto the roadway.

Maximum penalty: 20 penalty units.

*Note* Rule 293 of the Australian Road Rules requires the driver of a vehicle to remove oil or grease that falls from the vehicle in certain circumstances.

(2) Without limiting the liability of anyone else, the responsible person for a motor vehicle or trailer must take reasonable steps to prevent a contravention of subregulation (1) in relation to the vehicle.

Maximum penalty: 20 penalty units.

### ***Division 2.3.2—Driver and passenger safety***

#### **39 Safety of persons on trailers (NSW cl 45)**

(1) A person must not travel on a road in or on any part of a trailer that is not a part designed primarily for the carriage of passengers or goods.

Maximum penalty: 20 penalty units.

(2) A person must not travel on a road in or on any part of a trailer that is a part designed primarily for the carriage of goods if the part is not enclosed.

Maximum penalty: 20 penalty units.

- (3) Subregulations (1) and (2) do not apply to a person—
- (a) who is in or on a police or emergency vehicle; or
  - (b) engaged in the door-to-door delivery or collection of goods, or in the collection of waste or garbage, in or on a trailer that is not travelling faster than 25km/h; or
  - (c) if in all the circumstances, there is a no reasonable danger of the person falling or being thrown from the trailer, or being injured, because the person is travelling in a way prohibited by this regulation.
- (4) In this regulation—
- enclosed**, for a part of a trailer, means enclosed by—
- (a) the structure of the trailer; or
  - (b) a canopy, cage or other device fitted to the trailer that is of a kind approved by the road transport authority under paragraph 66 (Approvals etc by road transport authority) (1) (d).

*Note* Rule 298 of the Australian Road Rules prohibits a driver from driving a motor vehicle towing a trailer with a person in or on the trailer, unless the trailer is exempt from the rule under another law of this jurisdiction. Regulation 30 provides the exemption from the rule.

#### **40 Passengers in sidecars to be seated (NSW cl 47)**

(1) A passenger in a sidecar attached to a motorbike that is moving, or is stationary but not parked, on a road must sit in a place in the sidecar designed for use by a passenger.

Maximum penalty: 20 penalty units.

(2) The rider of a motorbike must not ride with a passenger in a sidecar unless the passenger complies with subregulation (1).

Maximum penalty: 20 penalty units.

#### ***Division 2.3.3—Trailers and towing***

*Note* The following rules of the Australian Road Rules apply to the towing of vehicles:

- rule 216 (which is about the lights that must be used when towing a vehicle at night or in hazardous weather conditions)
- rule 254 (which is about the towing of bicycles)
- rule 257 (which is about riding with a person on a bicycle trailer)
- rule 292 (which is about towing a vehicle with an insecure or overhanging load)

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- rule 294 (which is about keeping control of a motor vehicle or trailer being towed)
- rule 295 (which is about towing another vehicle with a towline)
- rule 298 (which is about driving with a person in a trailer)
- rule 312 (which provides certain exemptions for tow truck drivers).

**41 Number of vehicles that may be drawn (NSW cl 48)**

**(1)** The driver of an articulated vehicle must not tow any other vehicle on a road.

Maximum penalty: 20 penalty units.

**(2)** The driver of a motor vehicle must not tow more than 1 other vehicle on a road.

Maximum penalty: 20 penalty units.

**(3)** The road transport authority may exempt a vehicle or person from subregulation (1) or (2).

**(4)** Subregulation (2) does not apply in relation to a tow truck that is towing an articulated vehicle (other than a B-double or road train) if—

- (a) the articulated vehicle has broken down on a road and it is necessary for it to be towed away; or
- (b) the articulated vehicle has been involved in a crash on a road and it is necessary for it to be towed away.

**(5)** Subregulation (2) does not apply to a motor vehicle that is towing another vehicle using a lift and tow trailer if—

- (a) the other vehicle is partly supported by the lift and tow trailer; and
- (b) the vehicle is not towed at faster than 60 km/h; and
- (c) the combined weight of the towed vehicle and the lift and tow trailer is not more than the unladen weight of the towing vehicle.

**(6)** Subregulation (2) does not apply to—

- (a) a tractor-harvester-cutting head trailer combination; or
- (b) a tractor with multiple implements attached, if the implements are normally used as a single unit when performing agricultural operations; or
- (c) a tractor and implement combination towing a fuel trailer or laser tower; or



- (d) an articulated low-loader consisting of a prime mover towing a converter dolly and a semitrailer; or
- (e) a B-double, dog trailer or road train.

**42 Towing by vehicles under 4.5t** (NSW cl 49)

(1) The driver of a motor vehicle (the *towing vehicle*) must not tow another vehicle (the *towed vehicle*) on a road if the laden weight of the towed vehicle is more than—

- (a) the capacity of the towing attachment fitted to the towing vehicle; or
- (b) the maximum laden weight for the towed vehicle.

Maximum penalty: 20 penalty units.

(2) Subregulation (1) does not apply to the driver if the towing vehicle has a GVM over 4.5t.

(3) The road transport authority may exempt a vehicle or person from subregulation (1).

(4) In this regulation—

*maximum laden weight*, for the towed vehicle, means—

- (a) the maximum laden weight for a towed vehicle specified by the manufacturer of the towing vehicle in relation to the towing vehicle; or
- (b) if there is no such specification by the manufacturer, the manufacturer of the vehicle cannot be identified or the specification is not appropriate because the towing vehicle has been modified—
  - (i) 1.5 times the unladen weight of the towing vehicle if the towed vehicle is fitted with a braking system that is working properly; or
  - (ii) the unladen weight of the towing vehicle in any other case.

***Division 2.3.4—Lights on vehicles***

*Note* The following rules of the Australian Road Rules apply to lights on vehicles:

- rule 215 (which is about using lights when driving at night or in hazardous weather conditions)
- rule 216 (which is about the lights that must be used when towing a vehicle at night or in hazardous weather conditions)

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- rule 217 (which is about using rear fog lights)
- rule 218 (which is about using headlights on high-beam)
- rule 219 (which is about not using lights to dazzle other road users)
- rule 220 (which is about the use of lights on a vehicle that is stopped)
- rule 221 (which is about using hazard warning lights)
- rule 222 (which is about the use of warning lights on buses carrying children)
- rule 223 (which is about using lights when riding an animal-drawn vehicle at night or in hazardous weather conditions)
- rule 259 (which is about using lights when riding a bicycle at night).

**43 Lights on motor vehicles generally (NSW cl 55)**

(1) The driver of a motor vehicle fitted with a spotlight or searchlight must not operate the light, or allow it to be operated, on a road unless—

- (a) the vehicle is stationary, the light is operated only for examining or making adjustments or repairs to a vehicle, and light from it is not projected further than 6m; or
- (b) the light is operated for the temporary purpose of reading or looking for a notice, sign, house number or something similar; or
- (c) the vehicle is a police vehicle; or
- (d) the vehicle is being used by the Territory, the Commonwealth or any public authority.

Maximum penalty: 20 penalty units.

(2) The driver of a motor vehicle fitted with an additional headlight permitted to be fitted under Schedule 1 to the *Road Transport (Vehicle Registration) Regulations 2000* must not operate the headlight, or allow it to be operated, if—

- (a) the vehicle is being driven on a length of road in a built-up area; or
- (b) the driver is driving less than—
  - (i) 200m behind a vehicle travelling in the same direction as the driver; or
  - (ii) 200m from an oncoming vehicle.

Maximum penalty: 20 penalty units.

***Division 2.3.5—Stopping and parking***

*Note* The rules of the Australian Road Rules that apply to the parking of vehicles include the following:

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- rule 189 (which is about double parking)
- rule 203 (which is about stopping in a parking area for people with disabilities)
- rule 205 (which is about parking for longer than indicated)
- rule 207 (which is about parking where fees are payable)
- rule 208 (which is about parallel parking on a road, except in a median strip parking area)
- rule 209 (which is about parallel parking in a median strip parking area)
- rule 210 (which is about angle parking)
- rule 211 (which is about parking in parking bays).

**44 Use of meters in metered parking areas** (NSW cl 61, MTA s 163F)

(1) A driver must not park in a metered parking area except in a metered parking space.

Maximum penalty: 20 penalty units.

(2) A driver must not park in a metered parking space without paying the relevant fee for the space for at least the minimum period for which parking in the space must be paid for.

Maximum penalty: 20 penalty units.

(3) A person does not commit an offence against subregulation (2) if—  
(a) the driver parks in a metered parking space before paying the relevant fee; but  
(b) the driver pays the fee immediately after parking.

(4) The driver of a vehicle must not allow the vehicle to remain parked in a metered parking space if the parking meter for the space indicates that the period for which parking in the space has been paid for has expired.

Maximum penalty: 20 penalty units.

(5) The driver of a vehicle must not allow the vehicle to remain parked in a metered parking space for longer than the period (if any) indicated on the metered parking signs applying to the space as the maximum period for which a vehicle may be parked in the space.

Maximum penalty: 20 penalty units.

(6) A driver does not commit an offence against this regulation if—  
(a) the driver parks in a metered parking space that is within a ticket parking area; and

- (b) the driver complies with the provisions of this Division in relation to parking in the area.
- (7) A driver does not commit an offence against this regulation (other than subregulation (5)) if the parking meter for the metered parking space is not working.
- (8) Without limiting subregulation (7), a driver does not commit an offence against this regulation (other than subregulation (5)) if the parking meter is covered with a hood bearing the words ‘out of order time limit applies’.
- (9) This regulation does not apply to—
- (a) a metered parking space outside the controlled parking hours for the space; or
  - (b) a vehicle displaying a current mobility parking scheme authority; or
  - (c) a vehicle displaying a current parking permit if it is parked in a metered parking space to which the permit applies and the space is designated for use by the holder of the permit.

**45 Parking in metered parking spaces** (NSW cl 62, MTA s 163D)

- (1) The driver of a vehicle must not park in a metered parking space if another vehicle is parked in the space.

Maximum penalty: 20 penalty units.

- (2) The driver of a vehicle who parks in a metered parking space must position the vehicle completely within the space.

Maximum penalty: 20 penalty units.

**46 Temporary closure of metered parking spaces** (NSW cl 63, MTA s 163M)

- (1) If the road transport authority decides that the use of a metered parking space should be temporarily discontinued, the authority may close the space by—

- (a) installing a sign, at or near the space, that displays words to the effect that the space is closed; or
- (b) covering the parking meter applying to the space with a parking meter hood bearing the words ‘no parking’.

- (2) A driver must not park in a metered parking space that has been closed under subregulation (1).

Maximum penalty: 20 penalty units.

(3) In this regulation—

*sign* includes a board, device, plate, screen, words or anything else, whether or not installed with or on a traffic sign.

**47 Misuse of parking meters** (NSW cl 64, MTA s 163H (1), 163J (b), 163K)

A person must not—

- (a) insert in a parking meter anything other than coins appropriate for the meter; or
- (b) attach anything (for example, advertising material) to a parking meter.

Maximum penalty: 20 penalty units.

**48 Interfering with parking meters etc** (NSW cl 65, MTA s 163H (2))

A person must not—

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

Maximum penalty: 20 penalty units.

**49 Use of tickets in ticket parking areas** (NSW cl 66, MTA s 163E)

(1) A driver must not park in a ticket parking area except in a ticket parking space.

Maximum penalty: 20 penalty units.

(2) A driver must not park in a ticket parking area unless a current parking ticket for that ticket parking area is displayed in or on the driver's vehicle in accordance with subregulation (3).

Maximum penalty: 20 penalty units.

(3) The parking ticket must be displayed—

- (a) in or on the front left-hand side of the vehicle or, if the ticket requires the driver to display the ticket in or on a part of the vehicle, in or on that part of the vehicle; and
- (b) in a way that its date and expiry time are clearly visible from outside the vehicle.

- (4)** A driver does not commit an offence against subregulation (2) if—
- (a) the driver parks in a ticket parking area before obtaining a parking ticket for the area; but
  - (b) the driver obtains a parking ticket for the area, and displays the ticket in accordance with subregulation (2), immediately after parking.
- (5)** It is a defence to the prosecution of a driver for an offence against subsection (2) if the driver proves that the driver—
- (a) displayed a current parking ticket in or on the driver's vehicle in accordance with subregulation (3); and
  - (b) took reasonable steps to ensure that the ticket remained so displayed while the vehicle was parked in the ticket parking area.
- (6)** The driver of a vehicle must not allow the vehicle to remain parked in a ticket parking area after the expiry of the parking ticket displayed in or on the vehicle.

Maximum penalty: 20 penalty units.

- (7)** The driver of a vehicle must not allow the vehicle to remain parked in a ticket parking area for longer than the period (if any) indicated on the ticket parking signs applying to the area as the maximum period for which a vehicle may be parked in the area.

Maximum penalty: 20 penalty units.

- (8)** A driver does not commit an offence against this regulation if—
- (a) the driver parks in a metered parking space within a ticket parking area; and
  - (b) the driver complies with the provisions of this Division in relation to parking in the space.
- (9)** This regulation does not prevent a driver from parking in a different part of a ticket parking area while displaying the same parking ticket on the driver's vehicle if the fee payable to park in the part is the same as, or less than, the fee payable to park in the part for which the parking ticket was issued.
- (10)** This regulation does not apply to—
- (a) a ticket parking area outside the controlled parking hours for the area; or
  - (b) a vehicle displaying a current mobility parking scheme authority; or

- (c) a vehicle displaying a current parking permit if it is parked in a ticket parking area to which the permit applies and the area is designated for use by the holder of the permit.

**50 Parking in ticket parking spaces** (NSW cl 67, MTA s 163D)

- (1) The driver of a vehicle must not park a vehicle in a ticket parking space if another vehicle is parked in the space.

Maximum penalty: 20 penalty units.

- (2) The driver of a vehicle who parks in a ticket parking space must position the vehicle completely in the space.

Maximum penalty: 20 penalty units.

**51 Temporary closure of ticket parking spaces** (NSW cl 68)

- (1) If the road transport authority decides that the use of a ticket parking area, or ticket parking space, should be temporarily discontinued, the authority may close the area or space by—

- (a) for the closure of a ticket parking area—installing a sign, at or near each traffic sign applying to the area, that displays words to the effect that the area is closed; or
- (b) for the closure of a ticket parking space—installing a sign, at or near the space, that displays words to that effect.

- (2) A driver must not park in a ticket parking area or ticket parking space that has been closed under subregulation (1).

Maximum penalty: 20 penalty units.

- (3) In this regulation—

*sign* includes a board, device, plate, screen, words or anything else, whether or not installed with or on a traffic sign.

**52 Use of false or damaged parking tickets etc** (NSW cl 69)

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

- (a) anything resembling a parking ticket that falsely suggests that the relevant parking fee has been paid; or
- (b) a parking ticket that is illegible or has been altered, defaced or damaged.

Maximum penalty: 20 penalty units.

**53 Misuse of ticket machines** (NSW cl 70, MTA s 163H (1), 163J (a), 163K)

A person must not—

- (a) insert in a parking ticket machine anything other than coins, or another means of payment, appropriate for the machine; or
- (b) attach anything (for example, advertising material) to a ticket machine.

Maximum penalty: 20 penalty units.

**54 Interfering with parking ticket machines etc** (MTA s 163H (2))

A person must not—

- (a) do anything that interferes with (or is likely to interfere with) the proper working of a parking ticket machine; or
- (b) fraudulently operate a parking ticket machine.

Maximum penalty: 20 penalty units.

**55 Removing parking tickets etc** (MTA s 163G)

A person must not remove, deface, damage or otherwise interfere with a parking ticket, mobility parking scheme authority or parking permit that is in or on, or attached to, a vehicle unless the person is—

- (a) the driver of the vehicle; or
- (b) the responsible person (or a responsible person) for the vehicle; or
- (c) for a mobility parking scheme authority or parking permit—the person to whom the authority or permit was issued.

Maximum penalty: 20 penalty units.

**56 Unauthorised use and revocation of mobility parking scheme authorities** (NSW cl 80)

(1) A driver must not display a mobility parking scheme authority on the driver's vehicle unless the driver is entitled to do so under the conditions of the authority.

Maximum penalty: 20 penalty units.

(2) The road transport authority may revoke a mobility parking scheme authority by notice given to the person or other entity to which the authority was issued.



(3) If an entity receives a notice under subregulation (2), the entity must return the mobility parking scheme authority to the road transport authority as soon as possible (but not later than 21 days) after receiving the notice.

Maximum penalty: 20 penalty units.

**57 No stopping on a road with a red kerb**

(1) A driver must not stop at the side of a kerbed road if the kerb is coloured red.

Maximum penalty: 20 penalty units.

(2) This regulation ceases to have effect on 1 December 2001.

**58 Stopping in an emergency etc or to comply with another law**  
(ARR r 165)

It is a defence to the prosecution of a driver for an offence against a provision of this Division if—

- (a) the driver stops at a particular place, or in a particular way, to avoid a collision, and the driver stops for no longer than is necessary to avoid the collision; or
- (b) the driver stops at a particular place, or in a particular way, because the driver's vehicle is disabled, and the driver stops for no longer than is necessary for the vehicle to be moved safely to a place where the driver is permitted to park the vehicle under the Australian Road Rules and this Division; or
- (c) the driver stops at a particular place, or in a particular way, to deal with a medical or other emergency, and the driver stops for no longer than is necessary in the circumstances; or
- (d) the driver stops at a particular place, or in a particular way, because the condition of the driver, a passenger, or the driver's vehicle makes it necessary for the driver to stop in the interests of safety, and the driver stops for no longer than is necessary in the circumstances; or
- (e) the driver stops at a particular place, or in a particular way, to comply with a provision of the Australian Road Rules or a provision of another law, and the driver stops for no longer than is necessary to comply with the provision.

**Division 2.3.6—Miscellaneous other road rules**

**59 Carriage of dangerous goods** (NSW cl 59, MTA s 133B)

(1) A person must not drive or park a vehicle that is carrying an explosive substance in, directly above, or within 50m of either end of, a major road tunnel.

Maximum penalty: 30 penalty units.

(2) In this regulation—

*dangerous goods* means any substance or article prescribed as dangerous goods for the *Dangerous Goods Act 1975*.

*explosives substance* means any dangerous goods prescribed as an explosive for the *Dangerous Goods Act 1975*, and includes any other dangerous goods that can explode.

*major road tunnel* means—

- (a) the road tunnel on Parkes Way in the Division of Acton, Canberra Central District; or
- (b) the road tunnel on Capital Circle in the Division of Capital Hill, Canberra Central District.

**60 Interrupting funeral processions etc** (NSW cl 84)

A driver must not interfere with, or interrupt, the free passage of—

- (a) a funeral procession or any other lawful procession; or
- (b) any vehicle or person forming part of such a procession.

Maximum penalty: 20 penalty units.

**61 Driving on roads closed to traffic** (NSW cl 86)

A person must not drive a vehicle on a road that is closed to traffic under section 30 of the Act.

Maximum penalty: 20 penalty units.

**62 Use of wheeled recreational devices and wheeled toys on roads** (NSW cl 88)

(1) A person must not travel in or on a wheeled recreational device or wheeled toy on a road while it is attached to another vehicle.

Maximum penalty: 20 penalty units.

(2) A person travelling in or on a wheeled recreational device or wheeled toy on a road must not permit it to be drawn by another vehicle.

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Maximum penalty: 20 penalty units.

**(3)** A person must not travel in or on a wheeled recreational device or wheeled toy on a road if anyone travelling in or on it is wholly or partly assisted in propelling it by means other than human power or gravity.

Maximum penalty: 20 penalty units.

## PART 2.4—OTHER PROVISIONS

### **63 Devices that are prescribed traffic control devices (NSW cl 131)**

(1) For the definition of *prescribed traffic control device* in the dictionary to the Act, the following things are prescribed:

- (a) any traffic control device that has effect for the Australian Road Rules under rule 315 of the Australian Road Rules;
- (b) any traffic-related item that has effect for the Australian Road Rules under rule 319 of the Australian Road Rules;
- (c) any pay parking device, parking meter, parking meter hood, parking ticket machine, and any sign installed under Division 2.3.6.

(2) In this regulation—

*sign* includes any device, plate, screen, words or anything else, whether or not installed with or on a traffic sign.

### **64 Preventing prescribed traffic control devices being clearly visible (NSW cl 132 (1)-(2))**

(1) A person must not (except with the approval of the road transport authority) place anything in a position that prevents, or is likely to prevent, a prescribed traffic control device from being clearly visible to the road users to whom it is intended to apply.

Maximum penalty: 20 penalty units.

*Note* Subsection 19 (1) of the Act also makes it an offence for a person to install or display (or interfere, change or remove) a prescribed traffic control device without appropriate authority.

(2) The road transport authority, a police officer or an authorised person—

- (a) may, orally or in writing, direct a person who has contravened subregulation (1) by placing something to remove the thing within a stated reasonable time; or
- (b) may remove the thing.

(3) If a person is given a direction under paragraph (2) (a), the person must comply with the direction.

Maximum penalty: 20 penalty units.

**65 Use of *do not overtake turning vehicle sign* (NSW cl 132 (3))**

A person must not drive a motor vehicle or combination displaying a *do not overtake turning vehicle sign* unless the motor vehicle or combination, together with any load or projection, is at least 7.5m long.

Maximum penalty: 20 penalty units.

**66 Approvals etc by road transport authority**

(1) For the Australian Road Rules and these regulations, the road transport authority may—

- (a) approve a protective helmet for bicycle riders as an approved bicycle helmet; or
- (b) approve a child restraint as an approved child restraint; or
- (c) approve a protective helmet for motorbike riders as an approved motorbike helmet; or
- (d) approve a canopy, cage or other device fitted to a vehicle; or
- (e) declare a person to be an emergency worker.

(2) An approval or declaration under subregulation (1) is a disallowable instrument for the *Subordinate Laws Act 1989*.

**67 Exemption from requirement about riding on motorbikes**

The road transport authority may, for the purpose of allowing a sporting or similar event to be filmed, exempt a person from subrule 271 (2) of the Australian Road Rules to the extent that it requires the person to face forward while being carried as a passenger on a motorbike.

**68 Defence of complying with direction of police officer or authorised person (MTA s 139)**

(1) It is a defence to a prosecution of a person for an offence against a provision of this Chapter if, at the time of the offence, the person was obeying a direction given to the person under subrule 304 (1) of the Australian Road Rules.

(2) To remove any doubt, it is declared that a person must obey a direction given to the person under subrule 304 (1) of the Australian Road Rules, whether or not the person may contravene a provision of this Chapter by obeying the direction.

**69 Exemption for driver of police vehicles (NSW cl 161)**

(1) A provision of this Chapter does not apply to the driver of a police vehicle if—

- (a) in the circumstances—
  - (i) the driver is taking reasonable care; and
  - (ii) it is reasonable that the provision should not apply; and
- (b) if the vehicle is a motor vehicle that is moving—the vehicle is displaying a blue or red flashing light or sounding an alarm.

(2) Paragraph (1) (b) does not apply to the driver if, in the circumstances, it is reasonable—

- (a) not to display the light or sound the alarm; or
- (b) for the vehicle not to be fitted or equipped with a blue or red flashing light or an alarm.

**70 Exemption for driver of emergency vehicles (NSW cl 161)**

A provision of this Chapter does not apply to the driver of an emergency vehicle if—

- (a) in the circumstances—
  - (i) the driver is taking reasonable care; and
  - (ii) it is reasonable that the provision should not apply; and
- (b) if the vehicle is a motor vehicle that is moving—the vehicle is displaying a blue or red flashing light or sounding an alarm.

**71 Stopping and parking exemption for police and emergency vehicles and authorised persons (NSW cl 161)**

(1) In this regulation—

*relevant provision* means—

- (a) a provision of Division 2.3.6 (Parking); or
- (b) regulation 57 (No stopping on a road with a red kerb).

(2) A relevant provision does not apply to the driver of a police or emergency vehicle if, in the circumstances—

- (a) the driver is taking reasonable care; and
- (b) it is reasonable that the provision should not apply.

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**(3)** A relevant provision does not apply to a driver who is an authorised person driving a vehicle in the course of his or her duty as an authorised person if, in the circumstances—

- (a) the driver is taking reasonable care; and
- (b) it is reasonable that the provision should not apply.

## PART 3.1—PARKING SCHEMES

### *Division 3.1.1—Metered parking schemes*

#### **72 Metered parking schemes** (NSW cl 97 (1)-(5))

- (1) The road transport authority may establish and operate metered parking schemes for any length of road or area.
- (2) For a metered parking scheme, the road transport authority—
  - (a) may set aside metered parking spaces; and
  - (b) may install parking meters for the payment of fees for metered parking spaces.

#### **73 Metered parking areas** (NSW cl 98)

- (1) The road transport authority may set aside a length of road or area as a metered parking area.
- (2) A metered parking area must be designated by *permissive parking signs* with the word ‘meter’ on or with the signs.

#### **74 Parking meters** (NSW cl 97 (6), 99)

- (1) A parking meter must be installed at the space to which it applies or, if a parking meter applies to 2 or more spaces, close to the spaces.
- (2) The parking meter applying to a metered parking space must show or be capable of showing the fees fixed for the space under this Division.
- (3) A parking meter must clearly show, or be capable of clearly showing, the status of the metered parking space or spaces to which it applies and, if the meter is a multi-space parking meter, must identify each metered parking space by its number.

#### **75 Metered parking spaces** (NSW cl 100)

- (1) A metered parking space must be designated by a road marking.
- (2) For a metered parking space to which a multi-space parking meter applies, the number for the space and an arrow indicating the direction of the meter must be marked in or adjacent to the space.

### *Division 3.1.2—Ticket parking schemes*

#### **76 Ticket parking schemes** (NSW cl 101)

- (1) The road transport authority may establish and operate a ticket parking scheme for any length of road or area.



- (2) For a ticket parking scheme, the road transport authority—
- (a) may set aside a length of road or area as a ticket parking area; and
  - (b) may adopt the ways of, and schemes for, payment of the fees the authority considers appropriate; and
  - (c) may install devices for payment of the fees (a *pay parking device*).

**77 Ticket parking areas** (NSW cl 102)

- (1) A ticket parking area must be designated by *permissive parking signs* with the word ‘ticket’ on or with the signs.
- (2) A ticket parking area is taken to include only such lengths of road and areas to which ticket parking signs apply as are lawfully available, apart from this Division, for the parking of vehicles.
- (3) A reference in subregulation (1) to *ticket* includes a reference to voucher.
- (4) Subsection (3) and this subregulation cease to have effect on 1 December 2006.

**78 Ticket parking spaces** (NSW cl 103)

A ticket parking area may be divided into ticket parking spaces, of a size suitable for parking a single vehicle, by a road marking.

**79 Ticket machines** (NSW cl 104)

The ticket machine for a ticket parking area must show or be capable of showing the fees fixed for the area under this Division.

**80 Parking tickets** (NSW cl 105)

- (1) The following information must be printed on a parking ticket:
- (a) the expiry date (expressed as the day of the month, the month and the year);
  - (b) the expiry time (expressed in hours and minutes);
  - (c) the ticket parking area code (if applicable);
  - (d) a serial number;
  - (e) instructions for use of the ticket.
- (2) A parking ticket must be legible and of a size and design that enables it to be easily displayed in or on a vehicle.

**81 Duration of parking tickets** (NSW cl 106)

A parking ticket takes effect when it is issued and expires at the expiry time stated on the ticket.

***Division 3.1.3—Heavy vehicle parking***

**82 Definitions for div 3.1.3** (MTA s 150F (1))

In this Division, the following definitions apply:

***code of practice*** means the code of practice approved under regulation 89, as in force from time to time.

***exemption*** means an exemption given under regulation 92 (Decision on application for exemption).

***existing operator*** means the holder of an existing operator's certificate.

***existing operator's certificate*** means an existing operator's certificate issued under section 150R of the *Motor Traffic Act 1936* that was in force immediately before the commencement of this regulation and has not been cancelled under this Division.

***heavy vehicle*** means a vehicle, whether loaded or unloaded, that is longer than 7.5m, has a GVM over 4.5t, and is used for commercial purposes.

***land adjoining residential land***—see regulation 83.

***residential land*** means land leased for residential purposes.

***stock truck*** means a vehicle that has a GVM over 4.5t and is built or used to transport livestock.

**83 References in div to land adjoining residential land** (MTA s 150F (2))

A reference in this Division to ***land adjoining residential land*** includes a reference to land that would, but for an intervening road, adjoin that land.

**84 Vehicle parked partly on residential land** (MTA s 150F (3))

For this Division, a vehicle that is parked partly on residential land, and partly on adjoining land that is not residential land, is taken not to be parked on residential land.

**85 Parking of certain vehicles on residential land prohibited (MTA s 150G)**

(1) This regulation applies to a vehicle, whether loaded or unloaded, that is—

- (a) a stock truck; or
- (b) a semitrailer with the load space permanently enclosed by rigid construction or with sides enclosed by non-rigid material and a rigid roof; or
- (c) higher than 3.6m and used for commercial purposes.

(2) A person must not park a vehicle to which this regulation applies on residential land.

Maximum penalty: 20 penalty units.

(3) Subregulation (2) does not apply to the vehicle—

- (a) if—
  - (i) the parking of the vehicle on the land is reasonably necessary to avoid a contravention of another provision of these regulations or another Territory law; or
  - (ii) the vehicle is parked on the land to drop off, or pick up, people or goods or in the course of providing services; and
- (b) the vehicle is not parked on the land for longer than is reasonable in all the circumstances.

**86 Parking of certain vehicles on land adjoining residential land prohibited (MTA s 150H)**

(1) This regulation applies to—

- (a) a vehicle or combination, whether loaded or unloaded, that is longer than 7.5m; and
- (b) a vehicle, whether loaded or unloaded, with a GVM over 4.5t.

(2) A person must not park a vehicle or combination to which this regulation applies on land adjoining residential land for more than 1 hour.

Maximum penalty: 20 penalty units.

- (3) Subregulation (2) does not apply to the vehicle or combination—
- (a) if—
- (i) the parking of the vehicle on the land is reasonably necessary to avoid a contravention of another provision of these regulations or another Territory law; or
  - (ii) the vehicle is parked on the land to drop off, or pick up, people or goods or in the course of providing services; and
- (b) the vehicle is not parked on the land for longer than is reasonable in all the circumstances.
- (4) Subregulation (2) also does not apply to the vehicle or combination if the land where it is parked is residential land or land leased for commercial purposes.

**87 Parking of certain commercial vehicles on land with multi-unit developments (MTA s 150J)**

- (1) This regulation applies to a vehicle, whether loaded or unloaded, that is used for commercial purposes and is longer than 6m, higher than 2.6m or has a GVM over 3.75t.
- (2) A person must not park a vehicle to which this regulation applies on residential land with a multi-unit development.

Maximum penalty: 20 penalty units.

- (3) Subregulation (2) does not apply to the vehicle or combination—
- (a) if—
- (i) the parking of the vehicle on the land is reasonably necessary to avoid a contravention of another provision of these regulations or another Territory law; or
  - (ii) the vehicle is parked on the land to drop off, or pick up, people or goods or in the course of providing services; and
- (b) the vehicle is not parked on the land for longer than is reasonable in all the circumstances.
- (4) In this regulation—

***multi-unit development*** has the same meaning as in Appendix VI of the Territory Plan in force on 1 January 1997.

***Territory Plan***—see *Land (Planning and Environment) Act 1991*, section 13.

**88 Daily infringement (MTA s 150K)**

A person commits an offence against regulation 85 (Parking of certain vehicles on residential land prohibited), 86 (Parking of certain vehicles on land adjoining residential land prohibited) or 87 (Parking of certain commercial vehicles on land with multi-unit developments) in relation to each day when the person contravenes that regulation, including the day of a conviction for the contravention or any later day.

**89 Codes of practice (MTA ss 150M-150N)**

(1) The Minister may approve a code of practice about the parking of heavy vehicles on residential land.

(2) Without limiting subregulation (1), a code of practice may include provisions with respect to—

- (a) requirements for the parking of heavy vehicles by existing operators; and
- (b) the number of heavy vehicles that may be parked on residential land at any time; and
- (c) the operation of heavy vehicles while on residential land.

(3) A code of practice is a disallowable instrument for the *Subordinate Laws Act 1989*.

**90 Notice of codes of practice etc (MTA s 150P)**

(1) The road transport authority must publish notice of the approval of each code of practice in a newspaper published and circulating in the ACT.

(2) The notice must—

- (a) be published on or before the date of effect for the code of practice; and
- (b) state—
  - (i) the date when the code of practice takes effect; and
  - (ii) a place or places where copies of the code of practice can be purchased; and
- (c) contain a statement to the effect that—
  - (i) the code of practice can be inspected at a stated office or offices of the road transport authority during office hours; and

(ii) the code of practice is subject to disallowance by the Legislative Assembly under the *Subordinate Laws Act 1989*.

- (3) The road transport authority must ensure that—
- (a) copies of the code of practice are available for purchase, on the day the notice is published, at the place, or each of the places, stated in the notice as the place or a place where copies of the code can be purchased; and
  - (b) copies of the code of practice are available for inspection, on the day the notice is published, at the office, or each of the offices, of the authority stated in the notice as the place or places where the code can be inspected.
- (4) In subregulation (3)—
- the code of practice* includes any document (or part of a document) the provisions of which are applied by the code.

**91 Application for exemption (MTA s 150S)**

- (1) A person who is the holder of an existing operator's certificate may apply to the road transport authority for an exemption from all provisions or stated provisions of the code of practice in relation to stated land of which the person is the occupier.
- (2) The applicant must give the applicant's existing operator's certificate to the road transport authority with the application.

**92 Decision on application for exemption (MTA ss 150T, 150V)**

- (1) If the road transport authority receives an application for an exemption, the authority must—
- (a) give the exemption for the period stated in the exemption; or
  - (b) give the exemption for the period, and subject to the conditions, stated in the exemption; or
  - (c) refuse to give the exemption.
- (2) Before making a decision on the application, the road transport authority must give notice of the application to—
- (a) if land adjoining the land to which the application relates is occupied—the occupier and, if the occupier is not the lessee, the lessee of each parcel of adjoining land that is occupied; or

- (b) if land adjoining the land to which the application relates is unoccupied—the lessee of each parcel of adjoining land that is unoccupied.
- (3) A notice under subregulation (2) must—
- (a) contain a description of the provisions of the code of practice from which exemption is sought; and
  - (b) invite the occupier or lessee to make submissions to the road transport authority, within 28 days after receiving the notice, why the exemption sought should not be given; and
  - (c) contain a statement to the effect that, if a submission is not received by the road transport authority within that 28 days, the authority may give the exemption.
- (4) Without limiting the ways in which a notice under paragraph (2) (a) may be given to the occupier or lessee of a parcel of land, the notice may be given by letter addressed to the occupier or lessee and sent by prepaid post to the address of the parcel.
- (5) In deciding whether to give the exemption, what period the exemption should be given for and what conditions the exemption should be subject to, the road transport authority must—
- (a) take into account any submissions made under subsection (3); and
  - (b) have regard to whether and, if so, the extent to which, an occupier or lessee of adjoining land would be adversely affected by the decision.
- (6) For paragraph (5) (b), in deciding whether an occupier or lessee of adjoining land would be adversely affected, the road transport authority must take into account—
- (a) the period for which, and the provisions of the code of practice from which, exemption is sought; and
  - (b) the likely safety, noise and visual consequences of giving the exemption; and
  - (c) any action taken by the applicant to reduce the safety, noise or visual impact on occupiers of adjoining land, including, for example, any landscaping, parking bays, fencing, noise barriers and garaging arrangements on land occupied by the applicant.

(7) The road transport authority must not give the exemption if the authority believes on reasonable grounds that the applicant—

- (a) has failed to comply with regulation 95 (Additional information by applicant); or
- (b) made a statement which was false or misleading in a material particular in or in relation to the application.

(8) If an exemption is given subject to conditions, the exemption applies only if all the conditions of the exemption are being complied with.

**93 Endorsement of certificates (MTA ss 150V-150W)**

(1) If the road transport authority gives an exemption to the holder of an existing operator's certificate, the authority must endorse the certificate with the exemption.

(2) The endorsement—

- (a) must state—
  - (i) each provision of the code of practice from the holder is exempt; and
  - (ii) whether or not the exemption is subject to conditions; and
  - (iii) the vehicle or vehicles to which the exemption applies; and
  - (iv) the residential land where the vehicle or vehicles may be parked under the exemption; and
  - (v) the period for which the exemption is given; and
- (b) may include other information about the exemption the road transport authority considers appropriate.

**94 Variation of conditions of exemptions (MTA s 150X)**

(1) The holder of an exemption may apply to the road transport authority for a stated variation of the conditions to which an exemption is subject.

(2) If the road transport authority receives an application under subregulation (1), the authority must—

- (a) vary the conditions in the way sought in the application; or
- (b) refuse to vary the conditions.

(3) Subregulations 92 (2) to (7) (Decision on application for exemption) apply, with all necessary changes, to an application under this regulation in the same way as they apply to an application for an exemption.



**95 Additional information by applicant (MTA s 150Y)**

The road transport authority may, by notice given to an applicant for an exemption or variation of conditions to which an exemption is subject, require the applicant to provide any information or documents necessary for the authority to decide the application.

**96 Loss etc of existing operator's certificate (MTA s 150Z)**

(1) If an existing operator's certificate is lost, stolen or destroyed the holder of the certificate must tell the road transport authority, in writing, within 14 days after becoming aware of that fact.

Maximum penalty: 5 penalty units.

(2) If the road transport authority is satisfied that an existing operator's certificate has been lost, stolen or destroyed, the road transport authority must, on application by the holder of the certificate, give the holder a replacement certificate.

**97 Cancellation of existing operator's certificate etc (MTA ss 150ZA-150ZB)**

(1) If the road transport authority has reasonable grounds for believing that—

- (a) an existing operator's certificate was issued; or
- (b) an exemption was given; or
- (c) the conditions to which an exemption is subject were varied;

because information given by the holder of the certificate or exemption in or in relation to the application for the certificate, exemption or variation was false, misleading or incomplete in a material particular, the road transport authority must give the holder written notice under this subregulation.

(2) The notice must—

- (a) tell the holder of the road transport authority's belief; and
- (b) state the grounds for the belief; and
- (c) invite the holder to make representations to the authority, within 28 days after the holder receives the notice, why the certificate should not be cancelled, or the exemption or variation revoked.

(3) If, after considering any representation made by the holder under paragraph (2) (c), the road transport authority is satisfied that the

authority's belief was correct, the authority must cancel the certificate or revoke the exemption or variation.

(4) The road transport authority must also cancel an existing operator's certificate or revoke an exemption if the holder of the certificate or exemption asks the authority, in writing, to do so and gives the existing operator's certificate held by the holder to the authority.

(5) If the road transport authority cancels an existing operator's certificate, or revokes an exemption, under subregulation (3), the holder of the certificate or exemption must give his or her existing operator's certificate to the authority within 14 days after being told of the cancellation or revocation by the authority.

Maximum penalty: 20 penalty units.

(6) If the road transport authority receives an existing operator's certificate under subregulation (4) or (5) because an exemption held by the holder of the certificate is to be or is revoked, the authority must return the certificate to the holder after cancelling the endorsement of the exemption on the certificate.

#### ***Division 3.1.4—Miscellaneous***

#### **98 Overlapping schemes (NSW cl 115)**

(1) This Part does not prevent the road transport authority from establishing and operating a pay parking scheme on the same length of road, or in the same area, where it is operating a different pay parking scheme.

(2) The road transport authority may not recover the fee fixed for the parking of a vehicle in a metered space or ticket parking area if any other applicable parking fee has been paid for parking the vehicle in the space or area.

#### **99 Trailers not separately chargeable (NSW cl 118)**

A separate parking fee is not required to be paid for a trailer towed by another vehicle.

**PART 3.2—PARKING PERMITS AND MOBILITY PARKING  
SCHEME AUTHORITIES**

**100 Parking permits** (NSW cl 124)

- (1) The road transport authority may issue a permit authorising the parking of a vehicle, without charge or time restrictions, in a parking space designated for use by holders of such a permit.
- (2) The permit may be of 1 or more of the following kinds:
  - (a) a business parking permit;
  - (b) a commuter parking permit;
  - (c) a loading zone permit;
  - (d) a resident parking permit;
  - (e) a residents' visitor parking permit;
  - (f) a special event parking permit;
  - (g) any other kind declared by the road transport authority for this regulation.
- (3) A permit must state the conditions (if any) to which it is subject and, for a resident's visitor parking permit, the address of the person to whom the permit was issued.
- (4) A permit may state the length of road or area to which it applies.
- (5) The holder of a loading zone permit may surrender the permit by returning it to the road transport authority.
- (6) For these regulations, a parking space is designated for use by the holder of a permit if the following words are displayed on or with a traffic sign applying to the parking space under the Australian Road Rules:
  - (a) for a resident or resident's visitor parking permit—'permit holders excepted' or 'authorised residents vehicles excepted';
  - (b) for any other permit—'permit holders excepted'.

**101 Mobility parking scheme authorities** (NSW cl 125)

- (1) The road transport authority may issue a mobility parking scheme authority—
  - (a) for use by a person with a disability; or
  - (b) for use by an entity for the transport of people with disabilities.

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- (2) A mobility parking scheme authority is subject to the conditions (if any) stated in the authority and is issued for the period stated in the authority.
- (3) A mobility parking scheme authority must include a people with disabilities symbol.

## CHAPTER 4—TRAFFIC OFFENCE DETECTION DEVICES

### 102 Definitions for ch 4 (MTR reg 26P)

In this Chapter, the following definitions apply:

*digital camera detection device* means the camera detection device known as LaserCam 2000.

*laser speed measuring device* means a speed measuring device known as—

- (a) Laser Technology Inc. LTI 20-20 Marksman; or
- (b) Laser Technology Inc. LTI 20-20 Ultralyte.

*radar speed measuring device* means a speed measuring device known as—

- (a) Applied Concepts Inc. Stalker Dual; or
- (b) AWA Slant Radar Model 449; or
- (c) Kustom Signals KR-10SP; or
- (d) Kustom Signals KR-11; or
- (e) Kustom Signals, Inc. Silver Eagle; or
- (f) Fairey Slant Radar Model 456.

*testing authority* means—

- (a) a department of electrical or electronic engineering at a university in Australia; or
- (b) the National Measurement Laboratory, Division of Telecommunications and Industrial Physics, Commonwealth Scientific and Industrial Research Organisation; or
- (c) the Deeper Level Maintenance, Support Services Division, British Aerospace Australia Limited; or
- (d) Technical Support, Australian Federal Police, Canberra.

### 103 Approved traffic offence detection devices (MTR reg 26Q)

(1) For the definition of *approved camera detection device* in the dictionary to the Act, the digital camera detection device is approved.

(2) For the definition of *approved speed measuring device* in the dictionary to the Act, each laser speed measuring device and radar speed measuring device is approved.

**104 Major testing of traffic offence detection devices (MTR reg 26R)**

- (1) A digital camera detection device, laser speed measuring device and radar speed measuring device must be tested in accordance with this regulation at least once in every 12 months.
- (2) The test must be carried out by a person approved under regulation 106 (Approved people—testing and sealing).
- (3) The testing of a digital camera detection device or laser speed measuring device must find out whether the device—
  - (a) is operating in accordance with the manufacturer’s specifications; and
  - (b) is accurate within a tolerance of plus or minus 2 km/h.
- (4) The testing of a radar speed measuring device must find out whether the device is operating in accordance with Australian Standard 2898.1-2.
- (5) If the test establishes the matters mentioned in subregulation (3) or (4), the person who carried out the test must—
  - (a) sign a certificate to that effect; and
  - (b) if a seal on the device has been damaged or removed—seal the device.

**105 Use of traffic offence detection devices (MTR reg 26T)**

- (1) A digital camera detection device must be used by an operator by doing the following operations in accordance with the manufacturer’s instructions for the device:
  - (a) testing the laser speed measuring component of the device at the beginning of each continuous period of use by carrying out the following checks:
    - (i) an instrument confidence check;
    - (ii) a calibration verification check;
    - (iii) a scope alignment check;
  - (b) activating the device;
  - (c) operating the device;
  - (d) testing the laser speed measuring component of the device at the end of each continuous period of use by carrying out the checks mentioned in paragraph (a).

(2) However, after the operator of a digital camera detection device has carried out the operations mentioned in paragraphs (1) (a) and (b), the device may operate unattended.

(3) A laser speed measuring device must be used by an operator by doing the following operations in accordance with the manufacturer's instructions for the device:

- (a) testing the device at the beginning of each continuous period of use by carrying out the following checks:
  - (i) an instrument confidence check;
  - (ii) a calibration verification check;
  - (iii) a scope alignment check;
- (b) activating the device;
- (c) operating the device;
- (d) testing the device at the end of each continuous period of use by carrying out the checks mentioned in paragraph (a).

(4) A radar speed measuring device must be used as follows:

- (a) at the beginning of each continuous period of use by an operator, the device must be tested by the operator against a motor vehicle's accurate speedometer and must be found to be accurate within a tolerance of 2 km/h;
- (b) at the end of each continuous period of use by an operator and, if the period is longer than 9 hours, also after 9 hours, the device must be tested by the operator against the same speedometer and must be found to be accurate within a tolerance of 2 km/h;
- (c) the device must also be used in accordance with the manufacturer's instructions.

(5) In this regulation—

*operator* means a person approved to use a traffic offence detection device under regulation 107 (Approved people—use).

**106 Approved people—testing and sealing (MTR reg 26U)**

Each person employed by a testing authority to test and seal traffic offence detection devices is approved to test and seal traffic offence detection devices.

**107 Approved people—use** (MTR reg 26W)

- (1) Each police officer is approved to use any traffic offence detection device.
- (2) The road transport authority may approve a person who is not a police officer to use digital camera detection devices.
- (3) The road transport authority may only approve a person under subregulation (2) if the authority is satisfied that the person has appropriate qualifications to operate, or experience in the operation of, digital camera detection devices.

**108 Meaning of codes on images** (MTR reg 26X)

- (1) On an image produced by a digital camera detection device, the code—
  - SLS* (or *site location speed*), as a prefix, means that the code immediately following is the code for the place where the image was taken.
- (2) On an image produced by a digital camera detection device, the code following the prefix SLS has the meaning set out in the Schedule.



## **CHAPTER 5—MISCELLANEOUS**

### **109 Additional powers of police (NSW cl 75)**

(1) A police officer may request or signal the driver of a vehicle to stop the vehicle.

(2) A person must not, without reasonable excuse, fail to comply with a request or signal made or given by a police officer under subregulation (1).

Maximum penalty: 20 penalty units.

(3) A police officer may, during a temporary obstruction or danger to traffic or in an emergency direct the responsible person for or driver of a vehicle parked in any part of a pay parking area to remove the vehicle or, if no one appears to be in charge of the vehicle, remove the vehicle.

### **110 Prohibition on car minding (NSW cl 89)**

(1) The chief police officer may, by written notice given to a person, prohibit the person from—

- (a) parking, minding, caring for, or taking charge of any motor vehicle or trailer (other than a motor vehicle or trailer of which the person is the driver) on a road; or
- (b) offering his or her services for any such purpose.

(2) A person who is given a notice under subregulation (1) must comply with the notice.

Maximum penalty: 20 penalty units.

(3) This regulation does not authorise the chief police officer to prohibit the proprietor of a parking station or parking area—

- (a) from parking, minding, caring for, or taking charge of a motor vehicle or trailer in or on the parking station or parking area; or
- (b) from offering the proprietor's services for that purpose—
  - (i) whether by the display or publication of an advertisement in relation to the parking station or parking area or otherwise; and
  - (ii) whether the services are performed or offered to be performed by the proprietor or by an employee or agent of the proprietor.

**111 Removal of unattended vehicles from certain places**

(NSW cl 155 (1))

For paragraph 32 (1) (c) of the Act, a police officer or authorised person may move an unattended vehicle from a road or road related area to a retention area if the vehicle is in—

- (a) a bus lane; or
- (b) a length of road to which a *clearway sign* applies; or
- (c) a transit lane.

**112 Disposal of impounded or forfeited vehicles** (NSW (Gen) cl 15)

(1) If a vehicle that was impounded under section 10A (Impounding or forfeiture of vehicles used in committing certain offences) or 10B (Powers of police officers to seize and impound vehicles used in committing certain offences) of the Act has not been released at the end of the period for which it was subject to impounding, the chief police officer must, by notice served on the registered operator of the vehicle and every person having a registered interest in the vehicle, warn them that the vehicle is liable to be offered for sale unless appropriate steps are taken to obtain the release of the vehicle within 28 days after service of the notice.

(2) For section 10J (Disposal of vehicles) of the Act, the vehicle may be offered for sale if the vehicle is not released under section 10F (Release of vehicles by chief police officer) or 10G (Release of vehicles by order of Magistrates Court) of the Act within 28 days after service of the last of the notices mentioned in subregulation (1).

(3) However, the vehicle may not be offered for sale if—

- (a) an application has been made under section 10F or 10G of the Act for the release of the vehicle; and
- (b) the application has not been dealt with; and
- (c) any subsequent proceeding arising out of the application has not been finally dealt with.

(4) For section 10J of the Act, a vehicle that has been forfeited to the Territory under section 10A of the Act may be offered for sale.

(5) A person may, at any time within 12 months after a vehicle is sold in accordance with subregulation (2), apply to the chief police officer for payment to the person of the *balance of the proceeds of sale* of the vehicle.

(6) The ***balance of the proceeds of sale*** may be paid to the person by the chief police officer if the person satisfies the chief police officer that—

- (a) the person was lawfully entitled to the vehicle immediately before its sale; and
- (b) there was a reasonable excuse for person's failure to obtain release of the vehicle before it was sold.

(7) In this section—

***balance of the proceeds of sale***, of a vehicle, means the proceeds of sale of the vehicle less—

- (a) any fees, charges or other amounts payable for the impounding or storage of the vehicle; or
- (b) the reasonable costs of or incidental to the sale.

**113 Responsible person to inspect driver licence** (NSW cl 90, MTA s 167)

(1) Before permitting someone else to drive a motor vehicle, the responsible person for, or the person in charge of, the vehicle must require the person to produce his or her Australian driver licence or external driver licence and must inspect the licence.

Maximum penalty: 20 penalty units.

(2) It is a defence to a prosecution of a person for an offence against subregulation (1) if the person proves that the person had taken reasonable steps (other than those mentioned in the subregulation) to ensure the person permitted to drive the motor vehicle was the holder of a current Australian driver licence or external driver licence.

**114 Responsible person's consent** (NSW cl 91)

The person in charge of a motor vehicle or trailer on a road must not, without reasonable excuse, permit anyone to use the vehicle without the consent of the responsible person for the vehicle.

Maximum penalty: 20 penalty units.

**115 Application of Criminal Code (Cwlth) to regulations**  
(NSW cl 33)

Chapter 2 of the *Criminal Code* set out in the Schedule to the *Criminal Code Act 1995* (Cwlth) applies to an offence against these regulations as if the Chapter were in force as a Territory law.

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

**116 Offences against regulations are strict liability offences**  
(NSW cl 34)

An offence against these regulations is a strict liability offence for Chapter 2 of the *Criminal Code*.

**117 General defence of accident or reasonable effort** (NSW cl 35)

Without limiting any defence under Chapter 2 of the *Criminal Code*, it is a defence to an offence against these regulations if the defendant proves that the offence—

- (a) was the result of an accident; or
- (b) could not have been avoided by any reasonable efforts by the defendant.

## CHAPTER 6—TRANSITIONAL

### PART 6.1—PARKING

#### 118 Existing Class A and Class B parking spaces

(1) A permit issued by the road transport authority under regulation 100 may authorise the parking of a vehicle, without time restrictions, on a length of road to which a *no parking sign* applies that is designated for use by holders of such a permit.

(2) A permit mentioned in subregulation (1) may be of a kind declared by the road transport authority for this regulation, even though it is not of a kind permitted by subregulation 100 (2).

(3) Without limiting subregulation (2), the road transport authority may declare a permit issued to a class of motor vehicles that was, immediately before the commencement of this regulation, a Class A class of motor vehicle or a Class B class of motor vehicle for Part 10 of the *Motor Traffic Act 1936* to be a kind of permit for this regulation.

(4) For this regulation, a length of road is designated for use by the holder of a permit if the words ‘reserved for’ or ‘parking for’, followed by words stating the kind of permit held by the holder, are included on or with a *no parking sign* applying to the length of road.

#### 119 Existing parking labels

A label for a motor vehicle (other than a label issued to a disabled person or a community organisation whose members provide transport for disabled people) in force under section 150A of the *Motor Traffic Act 1936* immediately before the commencement of this regulation is taken, after the commencement, to be a parking permit issued under regulation 100 (Parking permits) that authorise the parking of a vehicle, without time restrictions, on a length of road to which a *no parking sign* applies that is designated for use by the holder of such a permit.

#### 120 Existing disability labels

(1) A label for a motor vehicle issued to a disabled person or a community organisation whose members provide transport services for disabled people, and in force under section 150A of the *Motor Traffic Act 1936* immediately before the commencement of this regulation, is taken,

after that commencement, to be a mobility parking scheme authority issued under regulation 101 (Mobility parking scheme authorities).

(2) This regulation ceases to have effect on 1 June 2000.

### **121 Existing codes of practice**

A code of practice that was in force for section 150M of the *Motor Traffic Act 1936* immediately before the commencement of this regulation is taken, after the commencement, to be a code of practice under regulation 89 (Codes of practice).

### **122 Existing exemptions**

An exemption granted under section 150T of the *Motor Traffic Act 1936* immediately before the commencement of this regulation is taken, after the commencement, to be an exemption given under regulation 92 (Decision on application for exemption).

### **123 Existing applications for exemptions and variation of conditions**

(1) An application under section 150S of the *Motor Traffic Act 1936* that had not been finally dealt with before the commencement of this regulation is taken, after the commencement, to be an application made to the road transport authority under regulation 91 (Application for exemption).

(2) An application under section 150X of the *Motor Traffic Act 1936* that had not been finally dealt with before the commencement of this regulation is taken, after the commencement, to be an application made to the road transport authority under regulation 94 (Variation of conditions of exemptions).

(3) A notice given under subsection 150T (3) of the *Motor Traffic Act 1936* in relation to an application mentioned in subregulation (1) or (2) is taken, after the commencement, to be a notice given by the road transport authority under subregulation 92 (2) (Decision on application for exemption).

(4) A notice under section 150Y of the *Motor Traffic Act 1936* in relation to an application mentioned in subregulation (1) or (2) is taken, after the commencement, to be a notice given by the road transport authority under regulation 95 (Additional information by applicant).

**124 Existing notices to show cause**

A notice under section 150ZB of the *Motor Traffic Act 1936* in relation to a matter not finally dealt with before the commencement of this regulation is taken, after the commencement, to be a notice given by the road transport authority under subregulation 97 (1) (Cancellation of existing operator's certificate etc).

## **PART 6.2—TRAFFIC OFFENCE DETECTION DEVICES**

### **125 Existing tests and certificates**

A test mentioned in regulation 104 (Major testing of traffic offence detection devices) may be carried out before the commencement of the regulation, and a certificate mentioned in paragraph (5) (a) of that regulation may be signed for such a test before the commencement.

### **126 Existing approved people—use**

A person who is approved under subregulation 26W (2) of the *Motor Traffic Regulations 1934* immediately before the commencement of this regulation is taken, after the commencement, to be approved by the road transport authority under subregulation 107 (2) (Approved people—use).



**PART 6.3—OTHER TRANSITIONAL PROVISIONS**

**127 Existing medical certificate about seatbelts**

A certificate of the kind mentioned in subsection 164E (2) of the *Motor Traffic Act 1936* that was issued before the commencement of this regulation is taken, after the commencement, to be a certificate of the kind mentioned in regulation 25 (ARR r 267 (3)—certificate of exemption from wearing seatbelts).

**128 Expiry of ch 6**

- (1) This Chapter (other than regulation 120) expires 2 years after it commences.
  - (2) To remove any doubt, this Chapter is a law to which subsection 42 (1) (Repeal does not end transitional or validating effect) of the *Interpretation Act 1967* applies.
-

**SCHEDULE**

(See reg 108)

**MEANING OF CODES ON IMAGES**

<b>code</b>	<b>place where image was taken</b>
SLS 0001	Adelaide Avenue between Hopetoun Circuit and Kent Street
SLS 0002	Antill Street between Northbourne Avenue and Federal Highway
SLS 0003	Athllon Drive between Beasley Street and Sulwood Drive
SLS 0004	Belconnen Way between Barry Drive and Coulter Drive
SLS 0005	Bowen Drive between Brisbane Avenue and Kings Avenue
SLS 0006	Coppins Crossing Road between Uriarra Road and William Hovell Drive
SLS 0007	Drakeford Drive between Sulwood Drive and Athllon Drive
SLS 0008	Erindale Drive between Sulwood Drive and Sternberg Crescent
SLS 0009	Florey Drive between Southern Cross Drive and Ginninderra Drive
SLS 0010	Ginninderra Drive between Tillyard Drive and Kingsford Smith Drive
SLS 0011	Ginninderra Drive between Ellenborough Street and Tucker Street
SLS 0012	Gungahlin Drive between Wells Station Drive and Gundaroo Drive
SLS 0013	Hindmarsh Drive between Dalrymple Street and Jerrabomberra Avenue
SLS 0014	Hindmarsh Drive between Athllon Drive and Melrose Drive
SLS 0015	Kingsford Smith Drive between Kuringa Drive and Spalding Street
SLS 0016	Lady Denman Drive between Cotter Road and Barrenjoey Drive
SLS 0017	Long Gully Road between Erindale Drive and Mugga Lane
SLS 0018	Melrose Drive between Athllon Drive and Hindmarsh Drive
SLS 0019	Monaro Highway between Canberra Avenue and Hindmarsh Drive
SLS 0020	Monaro Highway between Hindmarsh Drive and Isabella Drive
SLS 0021	Mugga Lane between Narrabundah Lane and Long Gully Road
SLS 0022	Northbourne Avenue between Macarthur Avenue and Antill Street
SLS 0023	Parkes Way between Clunies Ross Street and Glenloch Interchange
SLS 0024	Tuggeranong Parkway between Lakeside Interchange and Cotter Road
SLS 0025	Tuggeranong Parkway between Hindmarsh Drive and Cotter Road
SLS 0026	Tuggeranong Parkway between Hindmarsh Drive and Sulwood Drive
SLS 0027	Yamba Drive between Mawson Drive and Beasley Street

**DICTIONARY**

(See reg 3)

**approved child restraint** means a child restraint approved by the road transport authority under paragraph 66 (1) (b) (Approvals etc by road transport authority).

**area**—see the Australian Road Rules, dictionary.

**articulated vehicle** means a motor vehicle with—

- (a) 2 rigid sections, each of which has wheels; and
- (b) the rear section pivoted on, and part of the rear section (other than a pole, drawbar or similar device, or an accessory of the motor vehicle) superimposed on, the front section.

**Australian driver licence**—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

**Australian Road Rules**—see regulation 5.

**axle group**—see the *Road Transport (Vehicle Registration) Regulations 2000*, dictionary.

**B-double**—see the *Road Transport (Vehicle Registration) Regulations 2000*, dictionary.

**bicycle**—see the Australian Road Rules, dictionary.

**built-up area**, in relation to a length of road—see the Australian Road Rules, dictionary.

**bus**—see the Australian Road Rules, dictionary.

**bus lane**—see the Australian Road Rules, rule 154.

**clearway sign**—see the Australian Road Rules, Schedule 2 and rules 314 to 316.

**code of practice**, for Division 3.1.3 (Heavy vehicle parking)—see regulation 82.

**combination**—see the *Road Transport (Vehicle Registration) Regulations 2000*, dictionary.

**controlled parking hours**, in relation to a pay parking space, means the periods (as indicated by information on or with traffic signs applying to the space) when a vehicle may not be parked in the space unless the relevant parking fee has been paid.

**converter dolly**—see the *Road Transport (Vehicle Registration) Regulations 2000*, dictionary.

**DICTIONARY**—continued

**crash**—see the Australian Road Rules, dictionary.

**dog trailer**—see the *Road Transport (Vehicle Registration) Regulations 2000*, dictionary.

**do not overtake turning vehicle sign**—see the Australian Road Rules, Schedule 4 and rules 319 to 320.

**drawbar**—see the *Road Transport (Vehicle Registration) Regulations 2000*, dictionary.

**driver's vehicle**, for a driver—see the Australian Road Rules, dictionary.

**emergency stopping lane**—see the Australian Road Rules, rule 95.

**emergency vehicle** means any vehicle driven by a person who is—

- (a) an emergency worker; and
- (b) driving the vehicle in the course of his or her duties as an emergency worker.

**emergency worker** means—

- (a) a member of the ambulance service rendering or providing transport for sick or injured persons; or
- (b) a member of the fire brigade, the rural fire fighting service or the emergency service providing transport in the course of an emergency; or
- (c) a person who is declared by the road transport authority under paragraph 66 (Approvals etc by road transport authority) to be an emergency worker.

**exemption**, for Division 3.1.3 (Heavy vehicle parking)—see regulation 82.

**existing operator's certificate**, for Division 3.1.3 (Heavy vehicle parking)—see regulation 82.

**external driver licence**—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

**footpath**—see the Australian Road Rules, dictionary.

**GVM**—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.

**DICTIONARY**—continued

**heavy vehicle**, for Division 3.1.3 (Heavy vehicle parking)—see regulation 82.

**implement**—see the *Road Transport (Vehicle Registration) Regulations 2000*, dictionary.

**land adjoining residential land**, for Division 3.1.3 (Heavy vehicle parking)—see regulation 82.

**length of road**—see the Australian Road Rules, dictionary.

**lift and tow trailer** means a trailer consisting of an axle group and a drawbar designed to support 1 axle group of a vehicle under tow.

**loading zone**—see the Australian Road Rules, rule 179.

**loading zone permit** means a loading zone permit issued under regulation 100 (Parking permits).

**metered parking area** means a length of road or area that is set aside as a metered parking area in accordance with regulation 73 (Metered parking areas).

**metered parking scheme** means a metered parking scheme under Division 3.1.1.

**metered parking sign** means a **permissive parking sign** with the word ‘meter’ on or with the sign.

**metered parking space** means an area that is a metered parking space mentioned in regulation 75.

**mobility parking scheme authority** means an authority issued under regulation 101 (Mobility parking schemes and authorities).

**motorbike**—see the Australian Road Rules, dictionary, definition of **motor bike**.

**multi-space parking meter** means a parking meter that applies to 2 or more metered parking spaces.

**nature strip**—see the Australian Road Rules, dictionary.

**night**—see the Australian Road Rules, dictionary.

**no parking sign**—see the Australian Road Rules, Schedules 2 and 3 and rules 314 to 316.

**no trucks sign**—see the Australian Road Rules, Schedule 2 and rules 314 to 316.

**DICTIONARY**—continued

**oncoming vehicle**, for a driver—see the Australian Road Rules, dictionary.

**park**, in relation to a driver, includes stop and allow the driver's vehicle to stay (whether or not the driver leaves the vehicle).

**parking bay**—see the Australian Road Rules, dictionary.

**parking control sign**—see the Australian Road Rules, dictionary.

**parking meter** means a device designed to indicate, or capable of indicating, whether the fee fixed by the road transport authority for the parking of a vehicle in a metered parking space has been paid, and includes the stand on which such a device is erected.

**parking meter hood** means a hood or other cover designed to be fitted to a parking meter and to cover the part of the meter that would normally display a sign with the word 'expired' when the meter is not in operation.

**parking permit** means a permit issued under regulation 100 (Parking permits).

**parking ticket** means a ticket issued by the road transport authority (by means of a parking ticket machine) for display in or on a vehicle as evidence of the prepayment 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 metered parking area or ticket parking area.

**pay parking device**—see subregulation 76 (2) (Ticket parking schemes).

**pay parking scheme** means a metered parking scheme or ticket parking scheme.

**pay parking space** means a metered parking space or ticket parking space.

**permissive parking sign**—the Australian Road Rules, Schedules 2 and 3 and rules 314 to 316.

**person with a disability** means a person—

- (a) who cannot walk because of permanent or temporary loss of the use of 1 or both legs or another permanent medical or physical condition; or

**DICTIONARY**—continued

- (b) whose physical condition is detrimentally affected by walking 100m; or
- (c) who needs to use a walking frame, crutches, callipers, a scooter, a wheelchair or a similar mobility aid.

***police vehicle*** means any vehicle driven by a person who is—

- (a) a police officer; and
- (b) driving the vehicle in the course of his or her duties as a police officer.

***postal vehicle***—see the Australian Road Rules, dictionary.

*Note* Postal worker is defined in regulation 32 for the Australian Road Rules.

***prime mover***—see the *Road Transport (Vehicle Registration) Regulations 2000*, dictionary.

***private hire car***—see the *Road Transport (General) Act 1999*, section 100.

***public bus*** means a motor vehicle that—

- (a) is built mainly to carry people; and
- (b) seats more than 8 adults (including the driver); and
- (c) is used to transport passengers for hire or reward or in the course of trade or business.

***registered interest***—see the Act, dictionary.

***registered operator***—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.

***relevant parking fee***, for 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 when the vehicle is parked in the space, as indicated on the parking meter or ticket machine applying to the space.

***residential land***, for Division 3.1.3 (Heavy vehicle parking)—see regulation 82.

***restricted hire vehicle***—see the *Road Transport (General) Act 1999*, section 100.

***restricted taxi***—see the *Road Transport (General) Act 1999*, section 100.

***road*** includes a road related area.

**DICTIONARY**—continued

- road marking**—see the Australian Road Rules, dictionary.
- road train**—see the *Road Transport (Vehicle Registration) Regulations 2000*, dictionary.
- road user**—see the Australian Road Rules, rule 14.
- semitrailer**—see the *Road Transport (Vehicle Registration) Regulations 2000*, dictionary.
- stock truck**, for Division 3.1.3 (Heavy vehicle parking)—see regulation 82.
- stop**, for a driver, includes park, but does not include stop to reverse the driver’s vehicle into a parking bay or other parking space.
- taxi**—
- (a) see the *Road Transport (General) Act 1999*, section 100; and
  - (b) includes a restricted taxi.
- the Act** means the *Road Transport (Safety and Traffic Management) Act 1999*.
- ticket parking area** means a length of road or area that is set aside as a ticket parking area in accordance with regulation 77 (Ticket parking areas).
- ticket parking scheme** means a ticket parking scheme under Division 3.1.2.
- ticket parking sign** means a *permissive parking sign* with the word ‘ticket’ on or with the sign.
- ticket parking space** means an area that is a ticket parking space mentioned in regulation 78 (Ticket parking spaces).
- tow truck**—see the *Road Transport (Vehicle Registration) Regulations 2000*, dictionary.
- towing attachment** means a device fitted to a vehicle to which the drawbar of a trailer may be attached.
- tractor**—see the *Road Transport (Vehicle Registration) Regulations 2000*, dictionary.
- traffic control device**—see the Australian Road Rules, dictionary.
- traffic-related item**—see the Australian Road Rules, dictionary.



**DICTIONARY**—continued

*traffic sign*—see the Australian Road Rules, dictionary.

*traffic signals*—see the Australian Road Rules, dictionary.

*transit lane*—see the Australian Road Rules, rule 156.

*truck lane*—see the Australian Road Rules, rule 157.

*use* a vehicle includes drive, park or stop the vehicle.

*with*, for information about the application of a traffic control device—  
see the Australian Road Rules, dictionary.

*wheeled recreational device*—see the Australian Road Rules,  
dictionary.

*wheeled toy*—see the Australian Road Rules, dictionary.

## **Endnotes**

### **Notification**

1 Notified in the Gazette on 29 February 2000.

### **Penalty units**

2 Section 33AA of the *Interpretation Act 1967* (as applied by section 9 of the *Subordinate Laws Act 1989*) deals with the meaning of offence penalties that are expressed in penalty units.