



Australian Capital Territory

Road Transport (Safety and Traffic Management) Regulations 2000 No 10

made under the

Road Transport (Safety and Traffic Management) Act 1999

Republication No 6

Republication date: 16 April 2002

Last amendment made by SL 2002 No 7

Amendments incorporated to 16 April 2002

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Road Transport (Safety and Traffic Management) Regulations 2000*, made under the *Road Transport (Safety and Traffic Management) Act 1999* as in force on 16 April 2002. It includes any amendment, repeal or expiry affecting the republished law to 16 April 2002 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to
16 April 2002



Australian Capital Territory

Road Transport (Safety and Traffic Management) Regulations 2000

made under the

Road Transport (Safety and Traffic Management) Act 1999

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16 April 2002



Australian Capital Territory

Road Transport (Safety and Traffic Management) Regulations 2000

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Chapter 1 Preliminary

1 Name of regulations

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

3 Definitions—the dictionary (NSW cl 3 (1), (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 Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and s 156 (1)).

- (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 *Legislation Act 2001*, s 127 (1), (4) and (5) 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
- 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 The Australian Road Rules are available on the ACT legislation register (www.legislation.act.gov.au).

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 <i>approved bicycle helmet</i>	33 (1)
206 (2) (b) and (c)	15	dict, def <i>authorised person</i>	33 (1)
207 (2) (a)	16	dict, def <i>emergency worker</i>	33 (1)
213	16A		
215 (3)	17	dict, def <i>GVM</i>	33 (2)

ARR provision	provision of these regulations	ARR provision	provision of these regulations
216 (3)	18	dict, def <i>hazard warning lights</i>	33 (3)
220 (3)	19	dict, def <i>mechanical signalling device</i>	33 (1)
221 (f)	20	dict, def <i>oversize vehicle</i>	33 (1)
222	21	dict, def <i>police officer</i>	33 (1)
225	22	dict, def <i>portable warning device</i>	33 (4)
240 (2)	23	dict, def <i>postal worker</i>	33 (1)
248	23A		
266 (3) (b)	23B		
266 (7)	24	dict, def <i>public bus</i>	33 (1)
267 (3)	25	dict, def <i>taxi</i>	33 (1)
270 (3)	26		

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.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

- (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 the Australian Road Rules, rule 10 (2), 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 the Australian Road Rules, rule 95, 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 the Australian Road Rules, rule 104, 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 rule 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 the Australian Road Rules, rule 151 (3) (b), 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 the Australian Road Rules, rule 158 (2) (c)—

- (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 the Australian Road Rules, rule 179 (1) (c)—

- (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 the Australian Road Rules, rule 199 (2):

public postbox means a postbox erected, maintained or used by Australia Post.

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

- (1) For the Australian Road Rules, rule 206 (2) (b), a driver to whom the Australian Road Rules, rule 206 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 the Australian Road Rules, rule 206 (2) (c), a driver to whom the Australian Road Rules, rule 206 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 the Australian Road Rules, rule 207 (2) (a), 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 Pt 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).

16A ARR r 213—non-application in ACT

Every driver is exempt from the Australian Road Rules, rule 213 (4) (b).

Note The Australian Road Rules, r 213 deals with making a vehicle secure.

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

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

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

For the Australian Road Rules, rule 216 (3):

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

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

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

For of the Australian Road Rules, rule 220 (3), 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 the *Road Transport (Vehicle Registration) Regulations 2000*, schedule 1.

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 the *Road Transport (Vehicle Registration) Regulations 2000*, schedule 1, but is not fitted with any other warning lights in accordance with that schedule.

- (2) For the Australian Road Rules, rule 221 (f), 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 the *Road Transport (Vehicle Registration) Regulations 2000*, schedule 1.
- (2) For the Australian Road Rules, rule 222, 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 The Australian Road Rules, r 225 is superfluous in the ACT because the Act, s 9 (2) 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 the Australian Road Rules, rule 240 (2), a person must not travel in or on a wheeled recreational device on any road at night.

23A ARR r 248—bicycle rider may ride across marked foot crossing if authorised

- (1) Despite the Australian Road Rules, rule 248, the rider of a bicycle may ride across a marked foot crossing if authorised to do so by a traffic control device.

Note 1 The Australian Road Rules, r 248 provides that the rider of a bicycle must not ride across a road, or a part of a road, on a children's crossing, marked foot crossing or pedestrian crossing.

Note 2 **Marked foot crossing** is defined in the Australian Road Rules, dict.

Note 3 A traffic control device (including pedestrian lights) generally only applies to a person if the device faces the person—see the Australian Road Rules, pt 20, div 3, especially r 340.

- (2) The rider must give way to any pedestrian on the marked foot crossing.

Note **Give way** means the rider must slow down and, if necessary, stop to avoid a collision—see the definition in the Australian Road Rules, dict.

Maximum penalty: 20 penalty units.

23B ARR r 266 (3) (b)—wearing of seatbelts by passengers under 16 years old

- (1) For the Australian Road Rules, rule 266 (3) (b), all passengers in or on a motor vehicle (other than a bus or motor bike) who are at least 1 year old, but under 16 years old, must be restrained in an approved child restraint or wear a seatbelt unless they are exempt from wearing a seatbelt under a Territory law.

Note For the circumstances in which a person is exempt from wearing a seatbelt, see the Australian Road Rules, r 267 and reg (2) below.

- (2) A passenger mentioned in subregulation (1) is exempt from wearing a seatbelt if—
- (a) the motor vehicle is not required to be fitted with child restraint anchorages or seatbelts under the 2nd or 3rd edition ADR and the vehicle has not been fitted with a child restraint anchorage point or a seatbelt for a seating position that is available for the passenger; or
 - (b) the motor vehicle is registered in a State that does not have a law that substantially corresponds to subregulation (1); or

- (c) the motor vehicle is a taxi and a seating position (other than a front passenger seat) fitted with a suitable approved child restraint or seatbelt is not available for the passenger.

Note 1 The exemption applies to a passenger in a vehicle that has 2 or more rows of seats only if the passenger sits in the rear seats, see the ARR, r 267 (1).

Note 2 **Taxi** includes a private hire car and a restricted hire vehicle, see reg 33 (1), def of **taxi**.

Note 3 The defence of sudden or extraordinary emergency is also available, see the *Criminal Code*, s 10.3 (as applied by reg 115).

- (3) In this regulation:

2nd edition ADR—see the *Road Transport (Vehicle Registration) Regulations 2000*, schedule 1, clause 14.

3rd edition ADR—see the *Road Transport (Vehicle Registration) Regulations 2000*, schedule 1, clause 15.

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

For the Australian Road Rules, rule 266 (7):

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

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

For the Australian Road Rules, rule 267 (3) 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 the Australian Road Rules, rule 270 (3):

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

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

For the Australian Road Rules, rule 271 (6):

- (a) the Australian Road Rules, rule 271 (2) 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) the Australian Road Rules, rule 271 (3) does not apply to the rider of a motorbike in relation to a passenger to the extent that, under paragraph (a), rule 217 (2) does not apply to the passenger.

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

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

Note The Australian Road Rules, r 287 (3) (e) 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 Australian Road Rules, rule 287 (4), definition of *required particulars*, 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 the Australian Road Rules, rule 289 (1) (g), 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 the Australian Road Rules, rule 298, 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 regulation 66 (1) (d) (Approvals etc by road transport authority).

in includes on.

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

- (1) For the Australian Road Rules, rule 310 (3) (b), the road transport authority may authorise a person to engage in speed zoning tests.

- (2) For the Australian Road Rules, rule 310 (4), definition of *road work*, 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 the Australian Road Rules, rule 313 —

- (a) the Australian Road Rules, rule 186 (Stopping in a mail zone) does not apply to the driver of a postal vehicle; and
- (b) the Australian Road Rules, rule 288 (Driving on a path) 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 Australian Road Rules, dictionary:

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

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 regulation 66 (1) (e) (Approvals etc by road transport authority) 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 the *Road Transport (Vehicle Registration) Regulations 2000*, schedule 1.

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 *Legislation Act 2001*, dictionary, part 1.

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

public bus—see the *Road Transport (Public Passenger Services) Act 2001*, dictionary.

taxi—

- (a) see the *Road Transport (Public Passenger Services) Act 2001*, section 45 (Meaning of *taxi*); and
 - (b) except in the Australian Road Rules, rule 182 (which is about stopping in taxi zones), includes a private hire car and a restricted hire vehicle.
- (2) For the Australian Road Rules, dictionary, definition of **GVM**, paragraph (b):

vehicle registration authority means:

- (a) the road transport authority; or
 - (b) the corresponding authority of another jurisdiction.
- (3) For the Australian Road Rules, dictionary, definition of **hazard warning lights**:

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

- (4) For the Australian Road Rules, dictionary, definition of **portable warning triangle**, 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 to the *Road Transport (Vehicle Registration) Regulations 2000*), schedule 1 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)

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

Note The Criminal Code, ch 2 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 the Criminal Code, chapter 2.

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

Without limiting any defence under the Criminal Code, chapter 2, 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 the Australian Road Rules, r 291 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 The Australian Road Rules, r 293 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 regulation 66 (1) (d) (Approvals etc by road transport authority).

Note The Australian Road Rules, r 298 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.
Reg 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:

- r 216 (which is about the lights that must be used when towing a vehicle at night or in hazardous weather conditions)
- r 254 (which is about the towing of bicycles)
- r 257 (which is about riding with a person on a bicycle trailer)
- r 292 (which is about towing a vehicle with an insecure or overhanging load)
- r 294 (which is about keeping control of a motor vehicle or trailer being towed)
- r 295 (which is about towing another vehicle with a towline)
- r 298 (which is about driving with a person in a trailer)
- r 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:

- r 215 (which is about using lights when driving at night or in hazardous weather conditions)
- r 216 (which is about the lights that must be used when towing a vehicle at night or in hazardous weather conditions)
- r 217 (which is about using rear fog lights)
- r 218 (which is about using headlights on high-beam)
- r 219 (which is about not using lights to dazzle other road users)
- r 220 (which is about the use of lights on a vehicle that is stopped)
- r 221 (which is about using hazard warning lights)
- r 222 (which is about the use of warning lights on buses carrying children)
- r 223 (which is about using lights when riding an animal-drawn vehicle at night or in hazardous weather conditions)
- r 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 the *Road Transport (Vehicle Registration) Regulations 2000*, schedule 1 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:

- r 189 (which is about double parking)
- r 203 (which is about stopping in a parking area for people with disabilities)
- r 205 (which is about parking for longer than indicated)
- r 207 (which is about parking where fees are payable)
- r 208 (which is about parallel parking on a road, except in a median strip parking area)
- r 209 (which is about parallel parking in a median strip parking area)
- r 210 (which is about angle parking)
- r 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), s 163J (b), s 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 subregulation (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) If a parking authority decides that the use of a ticket parking area, or ticket parking space, within its area of operations 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.

Note Reg 75A provides for the road transport authority to declare parking authorities and reg 76A provides for the operation of ticket parking schemes by parking authorities.

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

Maximum penalty: 20 penalty units.

- (4) 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), s 163J (a), s 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 expires on 1 December 2002.

57A Stopping public buses in bus zones and at bus stops (NSW cl 81)

- (1) The driver of a public bus must not stop in a bus zone unless the driver—

- (a) is dropping off, or picking up, passengers; or
(b) is stopping for a regular route service.

Maximum penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to the driver of a public bus that is not permitted to stop in the bus zone by information on or with the *bus zone sign* applying to the bus zone.

Note The driver would contravene the Australian Road Rules, r 183.

- (3) The driver of a public bus must not stop at a bus stop, or on the road, within 20m before a sign on the road that indicates the bus stop, and 10m after the sign, unless the driver—
- (a) stops at a place on a length of road, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under the Australian Road Rules; or
 - (b) is dropping off, or picking up, passengers; or
 - (c) is stopping for a regular route service.

Maximum penalty: 20 penalty units.

- (4) In this regulation:

bus stop—see the Australian Road Rules, rule 195.

bus zone—see the Australian Road Rules, rule 183.

bus zone sign—see the Australian Road Rules, schedules 2 and 3 and rules 314 to 316.

regular route service—see the Road Transport (Public Passenger Services) Act 2001, section 9 (What is a regular route service?).

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 the Act, section 30.

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.

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 Act, dictionary, definition of *prescribed traffic control device*, the following things are prescribed:
 - (a) any traffic control device that has effect for the Australian Road Rules under the Australian Road Rules, rule 315;
 - (b) any traffic-related item that has effect for the Australian Road Rules under the Australian Road Rules, rule 319;
 - (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 The Act, s 19 (1) 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 subregulation (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, in writing—
- (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 is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

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 the Australian Road Rules, rule 271 (2) 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 the Australian Road Rules, rule 304 (1).
- (2) To remove any doubt, it is declared that a person must obey a direction given to the person under the Australian Road Rules, rule 304 (1), 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.

Regulation 70

- (2) Subregulation (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 people (NSW cl 116)

- (1) A provision of division 2.3.5 (Stopping and parking) 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.
- (2) A provision of division 2.3.5 (Stopping and parking) 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.

Chapter 3 Parking

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), cl 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

Note The Australian Road Rules, r 207 (2) provides that a driver who parks in a ticket parking area must pay the fee and obey the instructions on the ticket. See also reg 16.

75A Parking authorities

- (1) A person may apply to the road transport authority to be a parking authority for a stated area.
- (2) The road transport authority may, in writing, declare the person to be a parking authority for a stated area (the *area of operations*).

Note The power to make the declaration includes the power to amend or repeal it (see the *Legislation Act 2001*, s 46).

- (3) The declaration is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

75B Parking authority guidelines (NSW cl 113)

- (1) The road transport authority must establish written guidelines for regulation 76A (the *parking authority guidelines*).

- (2) The parking authority guidelines are a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (3) A parking authority is not entitled to provide, or charge for, parking in a ticket parking area if the parking authority does not comply with the parking authority guidelines.
- (4) A parking authority is taken to comply with the parking authority guidelines until the contrary is proved.

76 Ticket parking schemes—road transport authority
(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*).

76A Ticket parking schemes—parking authority (NSW cl 101)

- (1) A parking authority may, in accordance with the parking authority guidelines, establish and operate a ticket parking scheme for any length of road or area within its area of operations.
- (2) For a ticket parking scheme, the parking authority may, in accordance with the parking authority guidelines—
- (a) set aside a length of road or area within its area of operations as a ticket parking area; and

- (b) fix fees for the parking of vehicles in the area; and
- (c) adopt the ways of, and schemes for, payment of the fees the authority considers appropriate; and
- (d) install pay parking devices.

Note Reg 75A provides for the road transport authority to declare parking authorities and reg 75B provides for parking authority guidelines.

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) Subregulation (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 name of the authority issuing the ticket;
 - (d) the ticket parking area code (if applicable);
 - (e) a serial number;
 - (f) 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:

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 the *Motor Traffic Act 1936*, section 150R 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 nonrigid 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—see the Territory plan, appendix 6 in force on 1 January 1997.

Territory plan—see the *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), regulation 86 (Parking of certain vehicles on land adjoining residential land prohibited) or regulation 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 s 150M, s 150N)

- (1) The Minister may, in writing, 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.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

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 day when the code of practice commences; and
 - (b) state when the code of practice commences; 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 *Legislation Act 2001*.

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 s 150T, s 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 subregulation (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 subregulation (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 subregulation (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 s 150V, s 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) Regulation 92 (2) to (7) (Decision on application for exemption) applies, with all necessary changes, to an application under this regulation in the same way as it applies 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 s 150ZA, s 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 subregulation (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

97A Other powers to provide pay parking (NSW cl 114)

- (1) This part does not affect any other power of a parking authority to provide for parking on land within its area of operations.
- (2) A parking authority may exercise a power under this part in relation to land that it does not own only with the consent of the owner of the land.
- (3) Consent may be given subject to conditions, including conditions about the length and withdrawal of the consent.

(4) Subject to the conditions of the consent, the consent may be withdrawn only after reasonable notice.

(5) In this regulation:

owner, of land, includes lessee of land.

98 Overlapping schemes (NSW cl 115)

(1) This part does not prevent the road transport authority or a parking 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 or a parking 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.

98A Income from ticket parking scheme (NSW cl 116 (3) and (4))

(1) All fees collected by a parking authority from the operation of a ticket parking scheme belong to the parking authority.

(2) Any surplus arising from the operation of a ticket parking scheme may be applied at the discretion of the parking authority.

98B Costs of ticket parking scheme (NSW cl 116 (1))

The costs of administering a ticket parking scheme operated by a parking authority under regulation 76A are to be borne by the parking authority.

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.
- (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:

approved police speedometer means a speedometer approved under regulation 103A (Approval of police vehicle speedometers).

digital camera detection device means a camera detection device known as—

- (a) LaserCam 2000, which includes, as a component, a laser speed measuring device; or
- (b) LaserCam NT, which includes, as a component, a laser speed measuring device.

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.

piezo strip speed measuring device means a speed measuring device known as—

- (a) Redflex Smartcam SDCM; or
- (b) Truvelo M4 MPC.

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.

security checksum, for an electronic file, means the number (whether numerals or numerals and letters) produced by the application of an algorithm to the contents of an electronic file or a copy of the file.

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 Services, Australian Federal Police, Canberra; or
- (e) for an approved police speedometer—an entity approved in writing by the chief police officer to test approved police speedometers.

Note An entity includes an individual, see *Legislation Act 2001*, dict, pt 1, def of **entity**.

traffic lights camera detection device means a camera detection device known as—

- (a) Centaur 2000, which includes, as a component, a piezo strip speed measuring device; or
- (b) Redflex SMARTCAMred, which includes, as a component, a piezo strip speed measuring device.

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

- (1) For the Act, dictionary, definition of *approved camera detection device*, each digital camera detection device and traffic lights camera detection device is approved.
- (2) For the Act, dictionary, definition of *approved speed measuring device*, each laser speed measuring device, piezo strip speed measuring device, radar speed measuring device and approved police speedometer is approved.

103A Approval of police vehicle speedometers

- (1) For regulation 102, definition of *approved police speedometer*, the chief police officer may, in writing, approve a kind of speedometer that is fitted to a motor vehicle driven by a police officer for measuring the speed at which vehicles are being driven.
- (2) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

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

- (1) The following devices must be tested in accordance with this regulation at least once in every 12 months:
 - (a) a laser speed measuring device;
 - (b) the laser speed measuring device component of a digital camera detection device;
 - (c) the piezo strip speed measuring device component of a traffic lights camera detection device;
 - (d) a radar speed measuring device;
 - (e) an approved police speedometer.

- (2) The test must be carried out by a person approved under regulation 106 (Approved people—testing and sealing).
- (3) The testing of a laser speed measuring device, the laser speed measuring device component of a digital camera detection device, or the piezo strip speed measuring device component of a traffic lights camera detection 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 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) The testing of an approved police speedometer must find out whether the device is accurate within a tolerance of 2%.
- (6) If the test establishes the matters mentioned in subregulation (3) or the matter mentioned in subregulation (4) or (5), 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.
- (7) For this regulation—
 - (a) it is sufficient for the laser speed measuring device component of a digital camera detection device to be tested separately from the other components of the device, and it is not necessary for the other components to be tested; and
 - (b) it is sufficient for the piezo strip speed measuring device component of a traffic lights camera detection device to be tested separately from the other components of the device, and it is not necessary for the other components to be tested.

105 Use of digital camera 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 shift of the operator 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 shift of the operator by carrying out the checks mentioned in paragraph (a).
- (2) However, after the operator of the device has carried out the operations mentioned in subregulation (1) (a) and (b), the device may operate unattended.
- (3) To remove any doubt, if the device is used at more than 1 place during a shift of the operator, the operator is not required to carry out the checks mentioned in subregulation (1) (a) each time the device is activated at a different place.
- (4) If the device is used by 2 or more operators who are working together during the shift, the tests mentioned in subregulation (1) (a) and (d) may be carried out by different operators.
- (5) In this regulation:

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

105A Use of laser speed measuring devices (MTR reg 26T)

- (1) 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 shift of the operator 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 shift of the operator by carrying out the checks mentioned in paragraph (a).
- (2) To remove any doubt, if the device is used at more than 1 place during a shift of the operator, the operator is not required to carry out the checks mentioned in subregulation (1) (a) each time the device is activated at a different place.
- (3) If the device is used by 2 or more operators who are working together during the shift, the tests mentioned in subregulation (1) (a) and (d) may be carried out by different operators.
- (4) In this regulation:

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

105B Use of radar speed measuring devices (MTR reg 26T)

- (1) A radar speed measuring device must be used by an operator in accordance with the manufacturer's instructions for the device.
- (2) The operator must test the device—
 - (a) at the beginning of each shift of the operator against an approved police speedometer; and
 - (b) at the end of each shift of the operator against the speedometer mentioned in paragraph (a); and
 - (c) if the operator's shift is longer than 9 hours—9 hours after the beginning of the shift against the speedometer mentioned in paragraph (a).
- (3) After each test, the device must be found to be accurate within a tolerance of 2 km/h.
- (4) To remove any doubt, if the device is used at more than 1 place during a shift of the operator, the operator is not required to carry out the checks mentioned in subregulation (2) (a) each time the device is activated at a different place.
- (5) If the device is used by 2 or more operators who are working together during the shift, the tests mentioned in subregulation (2) may be carried out by different operators.
- (6) 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 (other than a traffic lights camera 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.

107A Recording of digital camera detection device image files—Act, s 23 (2) (c) (ii)

An electronic file created by a digital camera detection device must be recorded on a magneto-optical write once read many disk (a *WORM disk*) attached directly to, or located with, the device.

107B Recording of traffic lights camera detection device image files—Act, s 23 (2) (c) (ii)

- (1) An electronic file created by a traffic lights camera detection device must be recorded on a WORM disk or another storage medium for electronic data (a *recording medium*).
- (2) The recording medium for a traffic lights camera detection device may be—
 - (a) attached directly to, or located with, the device; or
 - (b) at a place other than the place where the device is located.

Example for par (b)

If a motor vehicle goes through a red traffic light and an image of the vehicle is taken by a traffic lights camera detection device, the electronic file created by the device in relation to the offence is sent along a wire or optical fibre to a recording device in a building in another suburb and is stored at that building on a recording medium.

- (3) If the recording medium for a traffic lights camera detection device is at a place other than the place where the device is located—
 - (a) the device must produce a security checksum for each electronic file created by the device; and
 - (b) the device must encrypt the security checksum and the file; and
 - (c) the security checksum and the encrypted file must be recorded as soon as practicable on a recording medium.
- (4) However, subregulation (3) does not prevent other security measures being taken in relation to a security checksum or an electronic file before it is recorded on the recording medium.

107C Verification of traffic lights camera detection device image files—Act, s 23 (2) (c) (iii)

- (1) This regulation applies if an electronic file that contains an image of a vehicle taken by a traffic lights camera detection device is recorded on a recording medium that is at a place other than the place where the device is located.
- (2) Before the image of the vehicle is produced from the file, the accuracy of the file must be verified by using a computer to—
 - (a) recalculate the security checksum for the file; and
 - (b) confirm that the security checksum produced by the recalculation is identical to the checksum produced by the device for the file.

108 Meaning of vehicle image codes (MTR reg 26X)

- (1) This regulation defines the meaning of codes and other information indicated on an image of a vehicle taken by an approved camera detection device.

Note Information etc that is indicated on an image includes information etc accompanying or reasonably associated with the image (see the Act, dict, def of *indicated on*).

- (2) It is not necessary that all the codes and other information mentioned in this regulation be indicated on an image but if they do appear they have the meaning given in this regulation.
- (3) The characters (whether numbers, letters or both) in the field immediately after ‘Device’ is the code for—
- (a) the laser speed measuring device component of the digital camera detection device that took the image; or
 - (b) the piezo strip speed measuring device component of the traffic lights camera detection device that took the image.

Example

‘Device: 012409’ indicates that the code for the laser speed measuring device component of the digital camera detection device, or piezo strip speed measuring device component of the traffic lights camera detection device, that took the image is 012409.

- (4) The characters (whether numbers, letters or both) in the field immediately after ‘Location’ or ‘Loc’ is the code for the place where the image was taken (the *location code*).

Example

‘Location: sls0015’ indicates that the code for the place where the image was taken is 0015 (see sch 1, item 15).

- (5) A location code has the meaning given by schedule 1.

Example

The location code ‘0015’ indicates that the image was taken at Kingsford Smith Drive between Kuringa Drive and Spalding Street (see sch 1, item 15).

- (6) For subregulation (5) and schedule 1, if a road (however described) mentioned in an item of schedule 1 intersects with another road (however described) more than once, the word '(north)' or '(south)' is included after the name of the road to indicate the intersection relevant to the meaning of the location code.

Example

The location code '0003' means that the image was taken on Athllon Drive between Beasley Street '(south)' and Sulwood Drive (see sch 1, item 3). As Beasley Street intersects Athllon Drive more than once, the word 'south' indicates that the southern intersection is the relevant intersection.

- (7) The characters in the field immediately after 'Date' is the date when the image was taken, with the first 2 numbers indicating the day of the month, followed by an abbreviation for the month and the year.

Example

'Date: 15/11/00' indicates that the image was taken on 15 November 2000.

- (8) The numbers in the field immediately after 'Time' is the time when the image was taken, stated in the 24-hour clock system.

Examples

- 1 'Time: 11.07.00.23' indicates that the image was taken at 0.23 seconds after 11.07 am.
- 2 'Time: 13:53:10:07' indicates that the image was taken at 10.07 seconds after 1.53 pm.

- (9) The letter in the field immediately after 'Direction' or 'Dir' indicates—
- (a) for an image taken by a digital camera detection device—whether the general direction in which the vehicle was travelling was away from or towards the device, with 'A' indicating away from the device and 'T' indicating towards the device; or

- (b) for an image taken by a traffic lights camera detection device—the general direction in which the vehicle was travelling when the image was taken, with ‘N’ indicating north, ‘s’ indicating south, ‘E’ indicating east and ‘W’ indicating west.

Example for par (a)

‘Direction: A’ indicates that when the image was taken the vehicle was generally travelling away from the digital camera detection device that took the image.

Example for par (b)

‘Direction: N’ indicates that when the image was taken the vehicle was travelling in the general direction of north.

- (10) The characters in the field immediately after ‘Lane’ is the code for the lane in which the vehicle was travelling when the image was taken, with the following codes having the stated meaning:

‘L1’ means the lane next to the centre of the road

‘L2’ means the lane immediately to the left of L1

‘L3’ means the lane immediately to the left of L2

‘L4’ means the lane immediately to the left of L3.

Example

‘Lane: L1’ indicates that the vehicle was travelling in the lane next to the centre of the road when the image was taken.

- (11) The number in the field immediately after ‘Red time’ is the time in seconds and part seconds (stated as a fraction) that a red traffic light or red traffic arrow facing the driver of the vehicle had been showing before the driver entered the intersection concerned.

Example

‘Red time: 1.50’ indicates that the red traffic light or red traffic arrow facing the driver of the vehicle had been showing for 1.5 seconds before the driver entered the intersection concerned.

- (12) The number in the field immediately after ‘Speed li’ is the speed limit applying to the driver of the vehicle for the length of road where the driver was driving when the image was taken.

Example

‘Speed li: 60’ indicates that the speed limit applying to the driver of the vehicle for the length of road where the driver was driving when the image was taken is 60 km/h.

- (13) The number in the field immediately after ‘Speed’ is the speed in kilometres per hour at which the driver of the vehicle was driving when the image was taken.

Example

‘Speed: 82’ indicates that the driver of the vehicle was driving at 82 km/h when the image was taken.

- (14) The characters (whether numbers, letters or both) in the field immediately after ‘Operator’ is the code for the person responsible for the use of the device when the image was taken.

Example

‘Operator: op002’ indicates that the code for the person responsible for the device when the image was taken is operator 002.

- (15) The characters (whether numbers, letters or both) in the field immediately after ‘Disk’ is the code for the recording medium used to record the image of the vehicle.

Example

‘Disk: WD0022’ indicates that the code for the WORM disk used to record the image was WD0022.

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 the Act, section 32 (1) (c), 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 vehicles—Act, s 10J
(NSW (Gen) cl 15)

- (1) This regulation applies to a vehicle impounded under the following provisions of the Act:
- (a) section 10AA (Impounding of vehicles used for menacing driving on court order before conviction etc);
 - (b) section 10A (Impounding or forfeiture of vehicles on conviction etc for certain offences);

- (c) section 10B (Powers of police officers to seize and impound vehicles used in committing certain offences).
- (2) If a person has not applied to the chief police officer for the release of the vehicle at the end of the period of impoundment, the chief police officer must, by notice served on the registered operator of the vehicle and every person who has a registered interest in the vehicle, warn them that the vehicle may be offered for sale if the vehicle is not removed from the place of impoundment within 28 days after the day of service of the notice.
- (3) The vehicle may be offered for sale, by public auction or public tender, if the vehicle is not removed within 28 days after service of the notice or, if more than 1 notice is served under subregulation (2), the later of the notices.
- (4) A person may apply to the chief police officer for payment to the person of the balance of the proceeds of sale of a vehicle within 1 year after the vehicle is sold in accordance with subregulation (3).
- (5) The balance of the proceeds of sale may be paid to the person if the person satisfies the chief police officer that—
- (a) the person was lawfully entitled to possession of the vehicle immediately before its sale; and
 - (b) there was a reasonable excuse for the person's failure to obtain release of the vehicle before it was sold.
- (6) In this regulation:
- balance of the proceeds of sale***, of a vehicle, means the proceeds of the sale of the vehicle less—
- (a) any fee or other amount payable under the *Road Transport (General) Act 1999* for the seizure, impounding and storage of the vehicle; and
 - (b) the reasonable costs of or incidental to the sale.

112A Disposal of forfeited vehicles—Act, s 10J
(NSW (Gen) cl 15)

A vehicle that has been forfeited to the Territory under the Act, section 10A (Impounding or forfeiture of vehicles on conviction etc for certain offences) may be offered for sale by public auction or public tender.

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)

The Criminal Code, chapter 2 set out in the *Criminal Code Act 1995* (Cwlth), schedule 1 applies to an offence against these regulations as if the chapter were in force as a Territory law.

Note The Criminal Code, chapter 2 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 the Criminal Code, chapter 2.

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

Without limiting any defence under the Criminal Code, chapter 2, 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.

Schedule 1 **Meaning of location codes on images**

(see reg 108)

Part 1.1 **Digital camera detection devices**

item	location code	place where image was taken
1	0001	Adelaide Avenue between Hopetoun Circuit and Kent Street
2	0002	Antill Street
3	0003	Athllon Drive between Beasley Street (south) and Sulwood Drive
4	0004	Belconnen Way between Barry Drive and Coulter Drive
5	0005	Bowen Drive between Brisbane Avenue and Kings Avenue
6	0006	Coppins Crossing Road between Uriarra Road and William Hovell Drive
7	0007	Drakeford Drive between Sulwood Drive and Athllon Drive
8	0008	Erindale Drive between Sulwood Drive and Sternberg Crescent
9	0009	Florey Drive between Southern Cross Drive and Ginninderra Drive
10	0010	Ginninderra Drive between Tillyard Drive and Kingsford Smith Drive
11	0011	Ginninderra Drive between Ellenborough Street and Tucker Street
12	0012	Gungahlin Drive between Wells Station Drive and Gundaroo Drive
13	0013	Hindmarsh Drive between Dalrymple Street and Jerrabomberra Avenue
14	0014	Hindmarsh Drive between Athllon Drive and Melrose Drive
15	0015	Kingsford Smith Drive between Kuringa Drive and Spalding Street
16	0016	Lady Denman Drive between Cotter Road and Barrenjoey Drive
17	0017	Long Gully Road
18	0018	Melrose Drive between Athllon Drive and Hindmarsh Drive
19	0019	Monaro Highway between Canberra Avenue and Hindmarsh Drive

Schedule 1
Part 1.1

Meaning of location codes on images
Digital camera detection devices

item	location code	place where image was taken
20	0020	Monaro Highway between Hindmarsh Drive and Isabella Drive
21	0021	Mugga Lane between Narrabundah Lane and Long Gully Road
22	0022	Northbourne Avenue between Macarthur Avenue and Antill Street
23	0023	Parkes Way between Clunies Ross Street and Glenloch Interchange
24	0024	Tuggeranong Parkway between Lakeside Interchange and Cotter Road
25	0025	Tuggeranong Parkway between Hindmarsh Drive and Cotter Road
26	0026	Tuggeranong Parkway between Hindmarsh Drive and Sulwood Drive
27	0027	Yamba Drive between Mawson Drive and Beasley Street
28	0028	Pocket Avenue
29	0029	Owen Dixon Drive (excluding residential service road of same name)
30	0030	Taverner Street
31	0031	Springvale Drive
32	0032	Kerrigan Street
33	0033	Gladstone Street, Hall
34	0034	Heysen Street
35	0035	Mugga Way
36	0036	Badimara Street
37	0037	Namatjira Drive
38	0038	Empire Circuit between Grey Street and Canberra Avenue
39	0039	Longmore Crescent
40	0040	Maribyrnong Avenue
41	0041	Learmonth Drive
42	0042	Petterd Street
43	0043	Williamson Street
44	0044	Tillyard Drive
45	0045	Dryandra Street between Fairfax Street and Archibald Street
46	0046	Newman Morris Circuit
47	0047	Chuculba Crescent

item	location code	place where image was taken
48	0048	Livingston Avenue
49	0049	Clive Steele Avenue
50	0050	Darwinia Terrace
51	0051	La Perouse Street
52	0052	Novar Street
53	0053	Goyder Street between Dalrymple Street and Jerrabomberra Avenue
54	0054	Launceston Street between Hindmarsh Drive and Melrose Drive
55	0055	Athllon Drive between Hindmarsh Drive and Beasley Street (south)
56	0056	Athllon Drive between Sulwood Drive and Anketell Street (north)
57	0057	Northbourne Avenue between Barry Drive and Macarthur Avenue
58	0058	Northbourne Avenue between Antill Street and Barton Highway
59	0059	Belconnen Way between Coulter Drive and Kingsford Smith Drive
60	0060	Phillip Avenue between Majura Avenue and Federal Highway
61	0061	Barton Highway between Federal Highway and Kuringa Drive
62	0062	Drakeford Drive between Athllon Drive and Isabella Drive
63	0063	Hindmarsh Drive between Athllon Drive and Dalrymple Street
64	0064	Hindmarsh Drive between Jerrabomberra Avenue and Canberra Avenue
65	0065	Barry Drive
66	0066	Ginninderra Drive between Tucker Street and Kingsford Smith Drive
67	0067	Ginninderra Drive between Tillyard Drive and Florey Drive

Part 1.2 Traffic lights camera detection devices

item	location code	place where image was taken
68	1001	Northbourne Avenue/London Circuit
69	1002	Northbourne Avenue/Barry Drive/Cooyong Street
70	1003	Coulter Drive/Southern Cross Drive/Luxton Street
71	1004	Drakeford Drive/Boddington Crescent/Marconi Crescent
72	1005	Benjamin Way/Chan Street/Cameron Avenue
73	1006	Northbourne Avenue/Antill Street/Mouat Street
74	1007	Ginninderra Drive/Aikman Drive
75	1008	Hindmarsh Drive/Tuggeranong Parkway
76	1009	Kingsford Smith Drive/Southern Cross Drive
77	1010	Belconnen Way/Bindubi Street/Eastern Valley Way
78	1011	Ginninderra Drive/Coulter Drive
79	1012	Ginninderra Drive/Baldwin Drive/Haydon Drive
80	1013	Macarthur Avenue/David Street/Wattle Street
81	1014	Benjamin Way/College Street
82	1015	Barry Drive/North Road/McCaughey Street
83	1016	Ginninderra Drive/Copland Drive/John Cleland Crescent
84	1017	Hindmarsh Drive/Ainsworth Street
85	1018	Monaro Highway/Newcastle Street/Dairy Road
86	1019	Belconnen Way/Caswell Drive
87	1020	Barry Drive/Marcus Clarke Street

Dictionary

(see reg 3)

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

approved police speedometer, for chapter 4 (Traffic offence detection devices)—see regulation 102 (Definitions for ch 4).

area—see the Australian Road Rules, dictionary.

area of operations, for a parking authority, means the area of operations declared for the parking authority under regulation 75A (Parking authorities).

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.

camera detection device—see the Act, section 23 (1) (Use of camera detection devices).

centre of the road—see the Australian Road Rules, dictionary.

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.

crash—see the Australian Road Rules, dictionary.

digital camera detection device, for chapter 4 (Traffic offence detection devices)—see regulation 102 (Definitions for ch 4).

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 regulation 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.

give way—see the Australian Road Rules, dictionary.

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

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

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

indicated on, an image of a vehicle taken by an approved camera detection device—see the Act, dictionary.

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

laser speed measuring device, for chapter 4 (Traffic offence detection devices)—see regulation 102 (Definitions for ch 4).

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).

marked foot crossing—see the Australian Road Rules, dictionary.

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*.

motor vehicle—see the Act, dictionary.

Note **Motor vehicle** is defined in identical terms in the Australian Road Rules, dict.

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.

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 authority means a person declared to be a parking authority under regulation 75A (Parking authorities).

parking authority guidelines—see regulation 75B (1) (Parking authority guidelines).

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 or a parking 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 regulation 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.

pedestrian—see the Australian Road Rules, rule 18.

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
- (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.

piezo strip speed measuring device, for chapter 4 (Traffic offence detection devices)—see regulation 102 (Definitions for ch 4).

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 reg 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—see the *Road Transport (Public Passenger Services) Act 2001*, dictionary.

radar speed measuring device, for chapter 4 (Traffic offence detection devices)—see regulation 102 (Definitions for ch 4).

recording medium, for chapter 4 (Traffic offence detection devices)—see regulation 107B (1) (Recording of traffic lights camera detection device image files—Act, s 23 (2) (c) (ii)).

red traffic arrow—see the Australian Road Rules, dictionary.

red traffic light—see the Australian Road Rules, dictionary.

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.

ride—see the Australian Road Rules, dictionary.

rider—see the Australian Road Rules, rule 17.

road includes a road related area.

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.

security checksum, for chapter 4 (Traffic offence detection devices)—see regulation 102 (Definitions for ch 4).

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

speed measuring device—see the Act, 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—see the *Road Transport (Public Passenger Services) Act 2001*, section 45 (Meaning of *taxi*).

testing authority, for chapter 4 (Traffic offence detection devices)—see regulation 102 (Definitions for ch 4).

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 lights camera detection device, for chapter 4 (Traffic offence detection devices)—see regulation 102 (Definitions for ch 4).

traffic-related item—see the Australian Road Rules, dictionary.

traffic sign—see the Australian Road Rules, dictionary.

traffic signals—see the Australian Road Rules, dictionary.

trailer—see the Act, dict.

Note ***Trailer*** is defined in identical terms in the Australian Road Rules, dict.

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.

vehicle—see the Australian Road Rules, rule 15.

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.

WORM disk, for chapter 4 (Traffic offence detection devices)—see regulation 107A (Recording of digital camera detection device image files—Act, s 23 (2) (c) (ii)).

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
ins = inserted/added	renum = renumbered
LA = Legislation Act 2001	reloc = relocated
LR = legislation register	R[X] = Republication No
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 Legislation history

Road Transport (Safety and Traffic Management) Regulations SL 2000 No 10

notified 29 February 2000 (Gaz 2000 No S6)
reg 1, reg 2 commenced 29 February 2000 (IA 10B)
remainder commenced 1 March 2000 (reg 2 and Gaz 2000 No S5)

as amended by

Legislative Assembly

notified 18 May 2000 (Gaz 2000 No 20 p 505)
commenced 18 May 2000 (SLA s 6 (13))

Road Transport (Safety and Traffic Management) Regulations Amendment SL 2000 No 21 pt 2

notified 18 May 2000 (Gaz 2000 No 20)
commenced 18 May 2000 (reg 1)

Road Transport Legislation Regulations Amendment SL 2000 No 33 pt 2

notified 2 August 2000 (Gaz 2000 No S41)
commenced 2 August 2000 (reg 1)

Road Transport Legislation Regulations Amendment SL 2000 No 52 pt 2

notified 14 December 2000 (Gaz 2000 No 50)
commenced 14 December 2000 (reg 1)

Road Transport Legislation Amendment Act 2001 No 27 sch 4

notified 24 May 2001 (Gaz 2001 No 21)
s 1, s 2 commenced 24 May 2001 (IA s 10B)
sch 4 commenced 24 May 2001 (s 2)

Road Transport (Safety and Traffic Management) Amendment Act 2001 No 29 pt 3

notified 24 May 2001 (Gaz 2001 No 21)
commenced 24 May 2001 (s 2)

Legislation (Consequential Amendments) Act 2001 No 44 pt 348

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 348 commenced 12 September 2001 (s 2 and Gaz 2001 No S65)

Statute Law Amendment Act 2001 No 56 pt 3.46

notified 5 September 2001 (Gaz 2001 No S 65)
s 1, s 2 commenced 5 September 2001 (IA s 10B)
pt 3.46 commenced 12 September 2001 (amdt 3.475)

Road Transport (Safety and Traffic Management) Regulations Amendment 2001 SL 2001 No 32

notified 11 September 2001 (Gaz 2001 No S69)
commenced 11 September 2001 (reg 1)

Road Transport (Public Passenger Services) Act 2001 No 62 pt 1.12

notified 10 September 2001 (Gaz 2001 No S66)
s 1, s 2 commenced 10 September 2001 (IA s 10B)
pt 1.12 commenced 1 December 2001 (s 2 and CN 2001 No 2)

Road Transport Legislation Amendment Regulations 2002 SL No 2 pt 5

notified LR 27 February 2002
reg 1, reg 2 commenced 27 February 2002 (LA s 75)
pt 5 commenced 1 March 2002 (reg 2 and see CN 2002 No 2)

Road Transport (Safety and Traffic Management) Amendment Regulations 2002 SL No 7

notified LR 15 April 2002
commenced 16 April 2002 (reg 2)

4 Amendment history**Commencement**

reg 2 om Act 2001 No 27 amdt 4.24

Definitions—the dictionary

reg 3 am Act 2001 No 44 amdt 1.3793

Notes

reg 4 am Act 2001 No 44 amdt 1.3794

General

div 2.2.1 note 2 am 2000 No 52 reg 3; 2001 No 32 reg 3

Endnotes

4 Amendment history

References to another law of this jurisdiction etc

reg 7 am Act 2001 No 44 amdt 1.3795, amdt 1.3796

ARR r 213—non-application in ACT

reg 16A ins Legislative Assembly (see Gaz 2000 No 20)

ARR r 248—bicycle rider may ride across marked foot crossing if authorised

reg 23A ins 2000 No 21 reg 3

ARR r 266 (3) (b)—wearing of seatbelts by passengers under 16 years old

reg 23B ins 2001 No 32 reg 4
am 2002 No 2 reg 28

ARR dict—definitions for dictionary

reg 33 def **police officer** sub Act 2001 No 56 amdt 3.475
def **public bus** sub Act 2001 No 62 amdt 1.38
def **taxi** sub 2002 No 2 reg 29

Temporary closure of ticket parking spaces

reg 51 am 2002 No 7 reg 4, reg 5; regs renum R6 LA (see 2002 No 7
reg 6)

No stopping on a road with a red kerb

reg 57 am 2001 No 32 reg 5
exp 1 December 2002 (reg 57 (2))

Stopping public buses in bus zones and at bus stops

reg 57A ins 2000 No 33 reg 3
am 2001 Act No 62 amdts 1.39-1.41

Approvals etc by road transport authority

reg 66 am Act 2001 No 44 amdt 1.3797, amdt 1.3798

Parking

ch 3 hdg ins 2001 No 32 reg 6

Stopping and parking exemption for police and emergency vehicles and authorised people

reg 71 sub 2002 No 7 reg 7

Parking authorities

reg 75A ins 2002 No 7 reg 8

Parking authority guidelines

reg 75B ins 2002 No 7 reg 8

Ticket parking schemes—road transport authority

reg 76 hdg sub 2002 No 7 reg 9

Ticket parking schemes—parking authority

reg 76A ins 2002 No 7 reg 10

Ticket parking areas

reg 77 regs (3), (4) exp 1 December 2006 (reg 77 (4))

Parking tickets

reg 80 am 2002 No 7 reg 11

Codes of practice

reg 89 am Act 2001 No 44 amdt 1.3799, amdt 1.3800

Notice of codes of practice etc

reg 90 am Act 2001 No 44 amdts 1.3801-1.3803
def **the code of practice** om Act 2001 No 44 amdt 1.3803

Other powers to provide pay parking

reg 97A ins 2002 No 7 reg 12

Overlapping schemes

reg 98 am 2002 No 7 reg 13

Income from ticket parking scheme

reg 98A ins 2002 No 7 reg 14

Costs of ticket parking scheme

reg 98B ins 2002 No 7 reg 14

Definitions for ch 4

reg 102 am 2000 No 33 reg 4; 2000 No 52 reg 4
def **approved police speedometer** ins 2001 No 32 reg 7
def **digital camera detection device** sub 2001 No 32 reg 8
def **security checksum** ins 2001 No 32 reg 9
def **testing authority** am 2001 No 32 reg 10

Approved traffic offence detection devices

reg 103 sub 2000 No 52 reg 5
am 2001 No 32 reg 11

Approval of police vehicle speedometers

reg 103A ins 2001 No 32 reg 12

Major testing of traffic offence detection devices

reg 104 am 2000 No 33 reg 5
sub 2000 No 52 reg 5
am 2001 No 32 regs 13-17

Use of digital camera detection devices

reg 105 sub 2001 No 32 reg 18

Use of laser speed measuring devices

reg 105A ins 2001 No 32 reg 18

Use of radar speed measuring devices

reg 105B ins 2001 No 32 reg 18

Approved people—use

reg 107 am 2000 No 52 reg 6

Endnotes

4 Amendment history

Recording of digital camera detection device image files—Act, s 23 (2) (c) (ii)
reg 107A ins 2001 No 32 reg 19

Recording of traffic lights camera detection device image files—Act, s 23 (2) (c) (ii)
reg 107B ins 2001 No 32 reg 19

Verification of traffic lights camera detection device image files—Act, s 23 (2) (c) (iii)
reg 107C ins 2001 No 32 reg 19

Meaning of vehicle image codes
reg 108 sub 2000 No 33 reg 6; 2000 No 52 reg 7
am 2001 No 32 regs 20-22

Disposal of impounded or forfeited vehicles
reg 112 am Act 2001 No 29 s 14
sub 2001 No 32 reg 23

Disposal of forfeited vehicles—Act, s 10J
reg 112A ins 2001 No 32 reg 23

Transitional
ch 6 hdg exp 1 March 2002 (reg 128)

Parking
pt 6.1 hdg exp 1 March 2002 (reg 128)

Existing Class A and Class B parking spaces
reg 118 exp 1 March 2002 (reg 128)

Existing parking labels
reg 119 exp 1 March 2002 (reg 128)

Existing disability labels
reg 120 exp 1 June 2000 (reg 120)

Existing codes of practice
reg 121 exp 1 March 2002 (reg 128)

Existing exemptions
reg 122 exp 1 March 2002 (reg 128)

Existing applications for exemptions and variation of conditions
reg 123 exp 1 March 2002 (reg 128)

Existing notices to show cause
reg 124 exp 1 March 2002 (reg 128)

Traffic offence detection devices
pt 6.2 hdg exp 1 March 2002 (reg 128)

Existing tests and certificates

reg 125 am 2001 No 32 reg 24
exp 1 March 2002 (reg 128)

Existing approved people—use

reg 126 exp 1 March 2002 (reg 128)

Other transitional provisions

pt 6.3 hdg exp 1 March 2002 (reg 128)

Existing medical certificate about seatbelts

reg 127 exp 1 March 2002 (reg 128)

Expiry of ch 6

reg 128 am Act 2001 No 27 amdt 4.25
am Act 2001 No 44 amdt 1.3804
exp 1 March 2002 (reg 128)

Meaning of location codes on images

sch 1 sub 2000 No 33 reg 8
am 2000 No 52 reg 8; pts renum R4 LA

Dictionary

dict def **approved police speedometer** ins 2001 No 32 reg 26
def **area of operations** ins 2002 No 7 reg 15
def **camera detection device** ins 2000 No 52 reg 9
sub 2001 No 32 reg 25
def **centre of the road** ins 2000 No 52 reg 9
def **digital camera detection device** ins 2000 No 52 reg 9
def **indicated** on ins 2001 No 32 reg 26
def **laser speed measuring device** ins 2000 No 52 reg 9
def **give way** ins 2000 No 21 reg 4
def **length** ins 2000 No 52 reg 9
def **length of road** om 2000 No 52 reg 9
def **marked foot crossing** ins 2000 No 21 reg 4
def **motor vehicle** ins 2000 No 52 reg 9
def **parking authority** ins 2002 No 7 reg 15
def **parking authority guidelines** ins 2002 No 7 reg 15
def **parking ticket** am 2002 No 7 reg 16
def **pedestrian** ins 2000 No 21 reg 4
def **piezo strip speed measuring device** ins 2000 No 52 reg 9
def **public bus** sub Act 2001 No 62 amdt 1.42
def **radar speed measuring device** ins 2000 No 52 reg 9
def **recording medium** ins 2001 No 32 reg 26
def **red traffic arrow** ins 2000 No 52 reg 9
def **red traffic light** ins 2000 No 52 reg 9
def **restricted taxi** om 2002 No 2 reg 30
def **ride** ins 2000 No 21 reg 4
def **rider** ins 2000 No 21 reg 4
def **security checksum** ins 2001 No 32 reg 26

Endnotes

5 Earlier republications

def **speed measuring device** ins 2000 No 52 reg 9
def **taxi** sub 2002 No 2 reg 31
def **testing authority** ins 2000 No 52 reg 9
def **the Act** om Act 2001 No 44 amdt 1.3805
def **traffic lights camera detection** ins 2000 No 52 reg 9
def **trailer** ins 2000 No 52 reg 9
def **vehicle** ins 2000 No 52 reg 9
def **WORM disk** ins 2001 No 32 reg 26

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	not amended	1 March 2000
2	Act 2001 No 56	12 September 2001
3	Act 2001 No 62	3 December 2001
4	SL 2002 No 2	1 March 2002
5*	SL 2002 No 2	2 March 2002

Authorised when accessed at www.legislation.act.gov.au or in authorised printed form

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