

1993—No. 279

## ROADS ACT 1993—REGULATION

(Amendments consequent on the enactment of the Roads Act 1993)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Roads Act 1993, has been pleased to make the Regulation set forth hereunder.

ANNE COHEN, M.P.,  
Acting Minister for Roads

### **Commencement**

1. This Regulation commences on 1 July 1993.

### **Amendment of State Roads (Excess Vehicle Weight Permit) Regulation 1987**

2. The State Roads (Excess Vehicle Weight Permit) Regulation 1987 (which, by virtue of clause 3 of Schedule 2 to the Roads Act 1993, is taken to be a regulation under that Act) is amended:

- (a) by omitting clause 1 and by inserting instead the following clause:

#### **Citation**

1. This Regulation may be cited as the Roads (Excess Vehicle Weight Permit) Transitional Regulation 1993.

- (b) by omitting from clause 2 (1) the words “Motor Traffic Act 1909 and in Ordinance No. 30C under the Local Government Act 1919” and by inserting instead the words “Traffic Act 1909 and in the Roads (Weight of Loads on Main Roads) Transitional Regulation 1993”;

- (c) by omitting from the definitions of “tandem axle group” and “tri-axle group” in clause 2 (2) the words “Ordinance No. 30C” wherever occurring and by inserting instead the words “the Roads (Weight of Loads on Main Roads) Transitional Regulation 1993”;
- (d) by omitting from clause 2 (2) the definition of “the Act” and by inserting instead the following definitions:
  - “**the Act**” means the Roads Act 1993;
  - “**the RTA**” means the Roads and Traffic Authority;
- (e) by inserting after clause 2 the following clause:
  - Application fees**
  - 2A. For the purposes of section 109 (2) of the Act, the fee for an excess weight permit is \$50.
- (f) by omitting from clause 3 the words “section 72B” wherever occurring and by inserting instead the words “section 110”;
- (g) by omitting from clause 3 the words “section 72A (6) (a)” wherever occurring and by inserting instead the words “section 109 (2)”;
- (h) by omitting from clauses 3, 4 and 5 the word “Commissioner” wherever occurring and by inserting instead the matter “RTA”.

### **Amendment of State Roads (Toll Works) Regulation 1988**

3. The State Roads (Toll Works) Regulation 1988 (which, by virtue of clause 3 of Schedule 2 to the Roads Act 1993, is taken to be a regulation under that Act) is amended:

- (a) by omitting clause 1 and by inserting instead the following clause:
  - Citation**
  - 1. This Regulation may be cited as the Roads (Tollways) Transitional Regulation 1993.
- (b) by omitting from clause 3 the definitions of “authorised officer” and “the Act” and by inserting instead the following definitions:
  - “**the Act**” means the Roads Act 1993;
  - “**the RTA**” means the Roads and Traffic Authority.
- (c) by omitting from clause 4 (1) the words “Sections 60, 68 and 69” and by inserting instead the words “The provisions of sections 101 and 102, and of Division 3 of Part 9,”;
- (d) by omitting from clause 5 (1) the words “Ordinance No. 30C” and by inserting instead the words “the Roads (Weight of Loads on Main Roads) Transitional Regulation 1993”;

**1993—No. 279**

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- (e) by omitting from clause 5 (2) the word “Ordinance” and by inserting instead the word “Regulation”;
- (f) by omitting from clauses 8 (2), 9 (1), 28 (1) and 29 (1) the word “Authority” wherever occurring and by inserting instead the matter “RTA”;
- (g) by omitting from clause 29 the words “section 100B” wherever occurring and by inserting instead the words “section 243”;
- (h) by omitting the words “toll work” and “toll works” wherever occurring and by inserting instead the words “tollway” and “tollways”, respectively;
- (i) by omitting from the Regulation the matter “\$100”, “\$500”, “\$1,000” and “\$2,000” wherever occurring and by inserting instead the words “1 penalty unit”, “5 penalty units”, “10 penalty units” and “20 penalty units”, respectively.

**Amendment of Ordinance No. 30**

**4.** Ordinance No. 30 under the Local Government Act 1919 (which, by virtue of clause 3 of Schedule 2 to the Roads Act 1993, is taken to be a regulation under that Act) is amended:

- (a) by inserting before clause 1 the following clause:

**Citation**

1A. This Regulation may be cited as the Roads (General) Transitional Regulation 1993.

- (b) by omitting from clause 1 (b) the definitions of “Council” and “the Act” and by inserting instead the following definition:  
“**the Act**” means the Roads Act 1993;
- (c) by omitting clause 4;
- (d) by omitting from clause 6 (4) the words “section 60 of the State Roads Act 1986” and by inserting instead the words “Division 3 of Part 9 of the Act”;
- (e) by omitting from clause 10 (d) (ii) the words “Pastures Protection Act, 1934, the Crown Lands Consolidation Act, 1913, or the Closer Settlement Acts” and by inserting instead the words “the Crown Lands Act 1989, the Crown Lands (Continued Tenures) Act 1989 or the Rural Lands Protection Act 1989”;
- (f) by omitting from clause 11 the words “the Crown Lands Acts or the Pastures Protection Act” and by inserting instead the words “the Crown Lands Act 1989, the Crown Lands (Continued Tenures) Act 1989 or the Rural Lands Protection Act 1989”;
- (g) by omitting clauses 12 and 12A;

- (h) by omitting from clause 32 the words “section 267” and by inserting instead the words “section 107”;
- (i) by omitting clauses 55 and 55A;
- (j) by omitting from clause 79 the words “one hundred dollars (\$100)” and by inserting instead the words “1 penalty unit”;
- (k) by omitting from clause 81 the words “one hundred dollars, nor less than one dollar” and by inserting instead the words “one penalty unit”;
- (l) by inserting after Part 3 the following Part:

#### **PART 4—MISCELLANEOUS**

##### **Transfer of application for the closing of a public road**

82. (1) For the purposes of section 34 (2) of the Act, the manner in which an application for the closing of a public road is to be transferred is as follows:

- (a) the application must be in writing;
- (b) it must specify the full name, address and telephone number (if any) of the proposed transferor and proposed transferee;
- (c) it must state that the transferor assigns to the proposed transferee the whole of the transferor’s interest in the application, and in any money or other property lodged with the Minister in connection with the application;
- (d) it should specify any application number, and any Departmental reference for the application or any correspondence relating to the application;
- (e) it must be signed by the proposed transferor and the proposed transferee;
- (f) it must be accompanied by a diagram or description that is sufficient to identify the road to which the application relates;
- (g) it must be lodged at an office of the Department of Conservation and Land Management.

(2) The transfer takes effect at the time it is received at an office of the Department of Conservation and Land Management, as referred to in subclause (1) (g).

(3) In this clause, “**transferor**” means the original applicant or any person to whom the application has been transferred in accordance with this clause.

**Authority to enter land**

83. (1) For the purposes of section 172 (2) (f) of the Act, officers of the Department of Conservation and Land Management who hold positions referred to in Schedule 3A or 3B to the Public Sector Management Act 1988 are a prescribed class of officers in relation to certificates of authority issued by the Minister for Land and Water Conservation.

(2) For the purposes of section 172 (2) (f) of the Act, officers of the RTA who hold the position of Director are a prescribed class of officers in relation to certificates of authority issued by the RTA.

**Transfer of application for the acquisition of land for the purposes of a public road**

84. (1) For the purposes of section 182 (2) of the Act, the manner in which an application for the acquisition of land for the purposes of a public road is to be transferred is as follows:

- (a) the application must be in writing;
- (b) it must specify the full name, address and telephone number (if any) of the proposed transferor and proposed transferee;
- (c) it must state that the proposed transferor assigns to the proposed transferee the whole of the transferor's interest in the application, and in any money or other property lodged with the Minister in connection with the application;
- (d) it should specify any application number, and any Departmental reference for the application or any correspondence relating to the application;
- (e) it must be signed by the proposed transferor and the proposed transferee;
- (f) it must be accompanied by a diagram or description that is sufficient to identify the land to which the application relates;
- (g) it must be lodged at an office of the Department of Conservation and Land Management.

(2) The transfer takes effect at the time it is received at an office of the Department of Conservation and Land Management, as referred to in subclause (1) (g).

(3) In this clause, “**transferor**” means the original applicant or any person to whom the application has been transferred in accordance with this clause.

**Evidentiary certificates**

85. (1) Any officer of the Department of Conservation and Land Management who holds a position referred to in Schedule 3A or 3B to the Public Sector Management Act 1988 is a prescribed person, in relation to evidentiary certificates issued on behalf of the Minister for Land and Water Conservation, for the purposes of section 248 (1) and (2) of the Act.

(2) An officer of the RTA specified in the Table to this clause is a prescribed person, in relation to evidentiary certificates issued on behalf of the RTA, for the purposes of the provision so specified with respect to that officer.

**TABLE**

Director .....	section 248 (1) (a)–(1) and (2)
Motor Traffic Services Manager.....	section 248 (1) (a), (c), (d), (i)–(1)
Vehicle Regulation Manager .....	section 248 (1) (a), (c), (d), (i)–(1)
General Manager, Vehicle Regulation .....	section 248 (1) (a), (c), (d), (i)–(1)
Manager, Vehicle Regulation, Central Services .....	section 248 (1) (a), (c), (d), (i)–(1)
General Manager, Legal Services .....	section 248 (1) (a), (c), (d), (i)–(1)
Manager, General Litigation Services	section 248 (1) (a), (c), (d), (i)–(1)
Supervising Legal Officer .....	section 248 (1) (a), (c), (d), (i)–(1)
Legal Officer .....	section 248 (1) (a), (c), (d), (i)–(1)
Manager, Records Integrity .....	section 248 (1) (a), (c), (d), (i)–(1)
General Manager, Property Services	section 248 (1) (b)
Property Services Manager .....	section 248 (1) (b)
Chief Surveyor .....	section 248 (1) (b)
Tollway Manager .....	section 248 (1) (d)
Zone Manager .....	section 248 (1) (e), (f), (g), (h)
Manager, Contract Legal Services.....	section 248 (1) (g)
Finance Manager .....	section 248 (2)

**Authorised officer**

86. For the purposes of paragraph (c) of the definition of “authorised officer” in the Dictionary to the Act, the following classes of persons are prescribed:

- (a) in respect of a reserve within the meaning of Part 5 of the Crown Lands Act 1989:
  - (i) a member or employee of the trust board for the relevant reserve trust; or
  - (ii) an employee of a corporation appointed to manage the affairs of the relevant reserve trust; or
  - (iii) an administrator appointed to manage the affairs of the relevant reserve trust;
- (b) in respect of a common within the meaning of the Commons Management Act 1989:
  - (i) a member or employee of the trust board for the trust for the common; or
  - (ii) an employee of a local authority appointed to manage the affairs of the trust for the common; or
  - (iii) an administrator appointed to manage the affairs of the trust for the common; or
- (c) in respect of a state recreation area within the meaning of the National Parks and Wildlife Act 1974:
  - (i) a trustee for the area or any employee of the trustees for the area; or
  - (ii) an employee of a corporation constituted under clause 3 of Schedule 9A to that Act in relation to the area; or
  - (iii) an administrator appointed under clause 14 of Schedule 9A to that Act in relation to the area.

**Public authorities**

87. For the purposes of the definition of “public authority” in the Dictionary to the Act, the Hunter Water Corporation Limited is prescribed as a public authority for the purposes of the Act.

- (m) by omitting the headings to Form 1 and by inserting instead the following headings:

ROADS ACT 1993

(Roads (General) Transitional Regulation 1993)

- (n) by omitting Forms 2 and 3;
- (o) by omitting from the Ordinance the word “Ordinance” wherever occurring and by inserting instead the word “Regulation”.

### **Amendment of Ordinance No. 30C**

5. Ordinance No. 30C under the Local Government Act 1919 (which, by virtue of clause 3 of Schedule 2 to the Roads Act 1993, is taken to be a regulation under that Act) is amended:

- (a) by omitting clause 1 and by inserting instead the following clause:

#### **Citation**

1. This Regulation may be cited as the Roads (Weight of Loads on Main Roads) Transitional Regulation 1993.

- (b) by omitting from clause 2 the definitions of “Council” and “Secretary” and by inserting instead, in alphabetical order, the following definitions:

“**Council**” means the council of a local government area;

“**the Act**” means the Roads Act 1993;

“**the RTA**” means the Roads and Traffic Authority;

- (c) by omitting from clause 6 (2B) (a) the words “a motor omnibus service in accordance with a motor omnibus service license issued under the Transport Act 1930, or a license issued under the State Transport Co-ordination Act 1931, or it is being operated by the Public Transport Commission of New South Wales” and by inserting instead the words “a regular passenger service in accordance with the Passenger Transport Act 1990 or is being operated by the State Transit Authority”;
- (d) by omitting from clause 6 (9) the words “Public Transport Commission of New South Wales” and by inserting instead the words “State Transit Authority”;
- (e) by omitting from clause 7 (2) the words “Motor Traffic Act 1909 or the Metropolitan Traffic Act 1900” and by inserting instead the words “Traffic Act 1909”;
- (f) by inserting after clause 11 (6) the following subclause:
  - (7) The signs illustrated in subclause (1) (a), and the provisions of this clause with respect to the manner in which such signs are to be displayed, are prescribed for the purposes of section 230 (2) of the Act.
- (g) by omitting from clause 12 (3) the words “Weights and Measures Act, 1915” and by inserting instead the words “Trade Measurement Act 1989”;



- (h) by omitting from clause 15 the matter “\$1,000” and “\$2,000” and by inserting instead the words “10 penalty units” and “20 penalty units”, respectively;
- (i) by omitting clause 16 and by inserting instead the following clause:

**Fire engines and ambulances**

16. This Regulation does not apply to any fire appliance operated by New South Wales Fire Brigades or any ambulance operated by the Ambulance Service of New South Wales or to the driver of any such fire appliance or ambulance.

- (j) by omitting clauses 17, 18 and 19;
- (k) by omitting from the Ordinance the words “Commissioner” and “Department of Main Roads” wherever occurring and by inserting instead the matter “RTA”;
- (l) by omitting from the ordinance the words “ordinance” and “Ordinance” wherever occurring and by inserting instead the word “Regulation”.

**Amendment of Ordinance No. 30D**

6. Ordinance No. 30D under the Local Government Act 1919 (which, by virtue of clause 3 of Schedule 2 to the Roads Act 1993, is taken to be a regulation under that Act) is amended:

- (a) by omitting clause 1 and by inserting instead the following clause:

**Citation**

1. This Regulation may be cited as the Roads (Weight of Loads on Roads other than Main Roads) Transitional Regulation 1993.

- (b) by inserting in clause 2, in alphabetical order, the following definitions:

“**council**” means the council of a local government area;

“**the Act**” means the Roads Act 1993;

- (c) by omitting from clause 2 the definition of “road” and by inserting instead the following definition:

“**road**” does not include a main road;

- (d) by omitting from clause 6 (2B) (a) the words “a motor omnibus service in accordance with a motor omnibus service license issued

under the Transport Act 1930, or a license issued under the State Transport Co-ordination Act 1931, or it is being operated by the Public Transport Commission of New South Wales” and by inserting instead the words “a regular passenger service in accordance with the Passenger Transport Act 1990 or is being operated by the State Transit Authority”;

- (e) by omitting from clause 6 (9) the words “Public Transport Commission of New South Wales” and by inserting instead the words “State Transit Authority”;
- (f) by omitting from clause 7 (2) the words “Motor Traffic Act, 1909, or the Metropolitan Traffic Act, 1900” and by inserting instead the words “Traffic Act 1909”;
- (g) by omitting from clause 11 (3) the words “by an engineer employed by the council who holds a prescribed certificate referred to in section 90 of the Local Government Act, 1919” and by inserting instead the words “by a duly qualified council engineer”;
- (h) by inserting after clause 12 (6) the following subclause:
  - (7) The signs illustrated in subclause (1) (a), and the provisions of this clause with respect to the manner in which such signs are to be displayed, are prescribed for the purposes of section 230 (2) of the Act.
- (i) by omitting from clause 13 (3) the words “Weights and Measures Act, 1915” and by inserting instead the words “Trade Measurement Act 1989”;
- (j) by omitting from clause 16 the matter “\$1,000” and “\$2,000” and by inserting instead the words “10 penalty units” and “20 penalty units”, respectively;
- (k) by omitting clause 17 and by inserting instead the following clause:

**Fire engines and ambulances**

17. This Regulation does not apply to any fire appliance operated by New South Wales Fire Brigades or any ambulance operated by the Ambulance Service of New South Wales or to the driver of any such fire appliance or ambulance.

- (l) by omitting from clause 18 (1) (a) and 19 the words “Motor Traffic Act, 1909” wherever occurring and by inserting instead the words “Traffic Act 1909”;

- (m) by omitting clause 20;
- (n) by omitting from the Ordinance the words “ordinance” and “Ordinance” wherever occurring and by inserting instead the word “Regulation”.

### **Amendment of Ordinance No. 33**

7. Ordinance No. 33 under the Local Government Act 1919 (which, by virtue of clause 3 of Schedule 2 to the Roads Act 1993, is taken to be a regulation under that Act) is amended:

- (a) by inserting before clause 1 the following clause:

#### **Citation**

1A. This Regulation may be cited as the Roads (Ferries) Transitional Regulation 1993.

- (b) by omitting clause 1 (a);
- (c) by omitting from clause 1 (b) the definition of “the Act” and by inserting instead the following definition:
  - “**the Act**” means the Roads Act 1993;
- (d) by omitting from clause 7A the words “Commissioner for Railways” wherever occurring and by inserting instead the words “State Rail Authority”;
- (e) by omitting from clauses 8 and 20 the matter “\$500” wherever occurring and by inserting instead the words “5 penalty units”;
- (f) by omitting from clause 14 the words “Navigation Act, 1901” wherever occurring and by inserting instead the words “Commercial Vessels Act 1979”;
- (g) by omitting from clause 16 the words “Navigation Act, 1901,” and by inserting instead the words “Commercial Vessels Act 1979”;
- (h) by omitting from clauses 14 and 16 the words “Superintendent of Navigation” wherever occurring and by inserting instead the words “Maritime Services Board”;
- (i) by omitting from clause 19 the matter “\$50” and by inserting instead the words “0.5 penalty units”;
- (j) by omitting from clause 21 the matter “\$20” and by inserting instead the words “0.2 penalty units”;

- (k) by omitting from the Ordinance the word “Ordinance” wherever occurring and by inserting instead the word “Regulation”;
- (l) by omitting all italicised headings (other than headings in forms).

### **Amendment of Ordinance No. 59**

**8.** Ordinance No. 59 under the Local Government Act 1919 (which, by virtue of clause 3 of Schedule 2 to the Roads Act 1993, is taken to be a regulation under that Act) is amended:

- (a) by omitting clause 1 and by inserting instead the following clauses:

#### **Citation**

1. This Regulation may be cited as the Roads (Public Gates) Transitional Regulation 1993.

#### **Definition**

1A. In this Regulation, “the Act” means the Roads Act 1993.

- (b) by omitting from clause 2 (a) the words “section 4 of the Public Gates Act 1901,” and by inserting instead the words “Division 2 of Part 9 of the Act”;
- (c) by omitting from clause 2 (a) the word “Clerk” and by inserting instead the words “roads authority”;
- (d) by omitting clause 3 (c);
- (e) by omitting from clause 10 the words “Public Gates Act, 1901,” and by inserting instead the words “Division 2 of Part 9 of the Roads Act 1993”;
- (f) by omitting from clause 11 the word “Engineer” wherever occurring and by inserting instead the words “roads authority”;
- (g) by omitting from the ordinance the word “Council” wherever occurring and by inserting instead the words “roads authority”;
- (h) by omitting from the ordinance the word “Ordinance” wherever occurring and by inserting instead the word “Regulation”;
- (i) by omitting all italicised headings (other than headings in forms).

### **Transitional**

**9.** In any Act or instrument under an Act (whether enacted or made before or after the commencement of this Regulation) or in any other document of any kind:

- (a) a reference to the State Roads (Excess Vehicle Weight Permit) Regulation 1987 is to be read as a reference to the Roads (Excess Vehicle Weight Permit) Transitional Regulation 1993; and

**1993—No. 279**

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- (b) a reference to the State Roads (Toll Works) Regulation 1988 is to be read as a reference to the Roads (Tollways) Transitional Regulation 1993; and
- (c) a reference to Ordinance No. 30 under the Local Government Act 1919 is to be read as a reference to the Roads (General) Transitional Regulation 1993; and
- (d) a reference to Ordinance No. 30C under the Local Government Act 1919 is to be read as a reference to the Roads (Weight of Loads on Main Roads) Transitional Regulation 1993; and
- (e) a reference to Ordinance No. 30D under the Local Government Act 1919 is to be read as a reference to the Roads (Weight of Loads on Roads other than Main Roads) Transitional Regulation 1993; and
- (f) a reference to Ordinance No. 33 under the Local Government Act 1919 is to be read as a reference to the Roads (Ferries) Transitional Regulation 1993; and
- (g) a reference to Ordinance No. 59 under the Local Government Act 1919 is to be read as a reference to the Roads (Public Gates) Transitional Regulation 1993.

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**EXPLANATORY NOTE**

Certain ordinances and regulations are to become regulations under the Roads Act 1993 by virtue of clause 3 of Schedule 2 to that Act. The object of this Regulation is to amend those ordinances and regulations as a consequence of that fact. Generally, the amendments give those ordinances and regulations new titles and ensure that references to provisions of Acts that have been repealed become references to provisions of the Roads Act 1993.

This Regulation is made under the Roads Act 1993, including section 264 (the general regulation making power) and clause 1 of Schedule 2 (which empowers the regulations to make provision of a savings or transitional nature).

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