

1993—No. 54

TRAFFIC ACT 1909—REGULATION

(Relating to Australian Design Rules)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Traffic Act 1909, has been pleased to make the Regulation set forth hereunder.

WAL MURRAY
Minister for Roads.

Commencement

1. This Regulation commences on 1st March, 1993.

Amendments

2. The Motor Traffic Regulations 1935 are amended:

- (a) by omitting from the definition of “Australian Design Rule (Third Edition)” in Regulation 2 (1) the matter “on 1 January 1989” and by inserting instead the words “for the time being”;
- (b) by omitting from Regulation 47 (1) (b) the matter “Australian Design Rule (Third Edition) 43/00 and 43/01—‘Vehicle Configuration and Marking’ ” and by inserting instead the words “the Australian Design Rules (Third Edition)”;
- (c) by omitting Regulation 92AA (1) (b) and by inserting instead the following paragraph:
 - (b) that complies with the requirements of paragraph 163 of Schedule F but does not comply with any one or more of the requirements as to maximum length, width and height contained in the Australian Design Rules (Third Edition) applying to a rigid vehicle (other than a bus or semi-trailer).

- (d) by omitting from Regulation 95 (6) (d) (ii) the matter “Australian Design Rule (Third Edition) 13/00—‘Installation of Lighting and Light-signalling Devices on other than L-Group Vehicles’ or Australian Design Rule (Third Edition) 19/00—‘Installation of Lighting and Light-signalling Devices on L-Group Vehicles’ ” and by inserting instead the words “the requirements of the Australian Design Rules (Third Edition) relating to the installation of lighting and light-signalling devices”;
- (e) by omitting Regulation 110GA and by inserting instead the following Regulation:

Children under 1 year must be suitably restrained

110GA. (1) The fact that a suitable child restraint is not available for use in any seating compartment of a vehicle is not a defence to a prosecution for an offence under Regulation 110G (2) if the child concerned is under 1 year of age and the vehicle concerned is one required by an Australian Design Rule or the Australian Design Rules (Third Edition) to have a child restraint anchorage.

(2) This Regulation does not apply to any of the following vehicles:

- (a) a vehicle in respect of which the Authority has (at the Authority’s discretion) granted exemption from the operation of this Regulation on the basis that, because of the configuration or construction of the vehicle, a child restraint cannot be fitted effectively when all front seating positions are occupied; or
 - (b) a vehicle registered in another State or a Territory if there is no law in force in that State or Territory imposing requirements substantially the same as the requirements of this Regulation and Regulation 110G.
- (f) by omitting from Regulation 113D (1) (d) the matter “Australian Design Rule (Third Edition) 44/00—Specific Purpose Vehicle Requirements’ ” and by inserting instead the words “the Australian Design Rules (Third Edition)”;
 - (g) by omitting from Regulation 136 (1) the matter “Australian Design Rule (Third Edition) 13/00—‘Installation of Lighting and Light-signalling Devices on other than L-Group Vehicles’ ” and by inserting instead the words “the requirements of the Australian Design Rules (Third Edition) relating to the installation of lighting and light-signalling devices”;

- (h) by omitting paragraph 5B of Schedule F and by inserting instead the following paragraph:

5B. This Division applies to all motor vehicles except those required by Division 6 to be constructed and equipped so as to comply with the lighting requirements of the Australian Design Rules (Third Edition).

- (i) by omitting from paragraph 160 (2) of Schedule F the matter “that complies with Australian Design Rules (Third Edition) 5/00 and 5/01” and by inserting instead the words “if the vehicle concerned is one required by the Australian Design Rules (Third Edition) to have a child restraint anchorage”;

- (j) by omitting paragraph 162 (3) of Schedule F and by inserting instead the following subparagraph:

(3) The width of a motor vehicle may exceed the width limit prescribed for the motor vehicle in the Australian Design Rules (Third Edition) if it does so merely by virtue of the existence of any tyre pressure monitoring systems installed on the vehicle.

- (k) by omitting from paragraph 163 (1) of Schedule F the matter “those prescribed in paragraph 4.1.1 or 4.5.1 of Australian Design Rule (Third Edition) 43/00 or 43/01” and by inserting instead the words “the motor vehicle length and width limits contained in the Australian Design Rules (Third Edition) applying to a rigid motor vehicle (other than a bus or a semi-trailer)”;

- (l) by omitting from paragraph 163 (2) of Schedule F the matter “those prescribed in paragraph 4.3 of Australian Design Rule (Third Edition) 43/00 or 43/01” and by inserting instead the words “the motor vehicle height limits contained in the Australian Design Rules (Third Edition) applying to a motor vehicle (other than a double deck cattle trailer)”.

EXPLANATORY NOTE

At present the Motor Traffic Regulations 1935 require the construction and design of motor vehicles to comply with certain requirements in the Australian Design Rules (Third Edition), as in force on 1 January 1989. The object of this Regulation is to amend the Motor Traffic Regulations 1935 so that they will require compliance with the requirements of the Australian Design Rules as in force for the time being.

This Regulation is made under the Traffic Act 1909, including section 3 (7).
