

## The New Road Traffic Regulations: What's Changing?

Having been enacted 15 years ago, the *Road Traffic (Miscellaneous) Regulations 1999 (the Miscellaneous Regulations)* and the *Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 1999 (the Road Rules Regulations)* will expire on 1 September 2014 in accordance with the *Subordinate Legislation Act 1978*.

*"The new regulations commence on 1 September 2014"*

As a consequence, these Regulations have been reviewed and are set to be replaced by the following new regulations that were published in the *Government Gazette* on Thursday 31 July 2014:

- *Road Traffic (Miscellaneous) Regulations 2014 (the New Miscellaneous Regulations)*; and
- *Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014 (the New Road Rules Regulations)*

The new regulations commence on **1 September 2014** and contain some changes. The changes relevant for Local Government are explained below.

### The New Miscellaneous Regulations

- The regulations have been renumbered so that they follow a consecutive order. In particular, note:
  - regulation 4 is the equivalent of regulation 19H of the Miscellaneous Regulations – it contains the exemption from the duty to place speed limit signs in relation to work areas or work sites on a

road under section 20 of the Act (i.e. which exemption applies to councils and/or a contractors engaged by councils in respect of short term low impact works as defined under regulation 4);

- regulation 66 is the equivalent of regulation 21 of the Miscellaneous Regulations – it prohibits parking in certain public places and is an offence provision; and
  - regulation 9 prescribes the provisions that authorised persons appointed under the *Local Government Act 1999* may enforce, namely Part 12 of the *Australian Road Rules (the Rules)* and regulation 66 of the New Miscellaneous Regulations (see above) – it will operate to preserve the status quo.
- The expiation fees for stopping and parking offences against Part 12 of the Rules are contained in Schedule 4. A new fee has been included for the new offence under rule 197(1B) of the Rules, which relates to stopping on a traffic island (this offence is enforceable as of 1 September 2014). The expiation fee for this offence is \$87. All other fees remain the same; and

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- At present, regulation 6 of the Road Rules Regulations specifies the provisions of the Rules that are prescribed for the purposes of sections 174A, 174B, 174C and 174D of the *Road Traffic Act 1961*. These sections respectively address liability of vehicle owners for offences, offences for continued parking contraventions, the power to prosecute and councils' power to exempt any

person or vehicle, or a prescribed class of persons or vehicles, from complying with the prescribed provisions. The Miscellaneous Regulations also prescribe Regulation 21(1) for these purposes. As of 1 September 2014, regulation 63 of the New Miscellaneous Regulations will operate to prescribe all the provisions in respect of which sections 174A, 174B, 174C and 174D of the *Road Traffic Act 1961* apply (i.e. being regulation 66 of the Miscellaneous Regulations and the provisions under the Rules that are listed in regulation 6 of the Road Rules Regulations).

### The New Road Rules Regulations

- The regulations have been renumbered so that they follow a consecutive and logical order. Particularly relevant for Local Government is regulation 17 of the New Road Rules Regulations (the equivalent of regulation 14 of the Road Rules Regulations). Regulation 17 applies to councils that have installed permit zones in their areas and confers power upon these councils to:
  - determine classes of permits, persons entitled to permits and any conditions or fees that attach to permits, and to vary any such determination; and
  - issue permits in respect of permit zones.

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For those councils that have established permit zones and have delegated these powers to staff accordingly, the relevant instrument of delegation will need to be updated when next reviewed so that it is consistent with the New Road Rules Regulations. Further, the transitional provisions under Part 3 of Schedule 2 of the New Road Rules will operate such that any determination previously made by a council in relation to a permit zone continues in force as

though the determination was made under the New Road Rules Regulations.

- Regulation 18 of the New Road Rules Regulations includes a change to the description of persons that are permitted to stop on a bicycle path, footpath, shared path, dividing strip or nature strip for the purposes of rule 197(1) of the Rules. The change specifically relates to riders of motor bikes who are engaged in dropping off or picking up postal articles, and operates to permit such a person to stop on a bicycle path, footpath, shared path, dividing strip or nature strip provided that the motor bike he/she is riding is a postal vehicle (as defined in the Rules), and has an engine capacity not exceeding 125cc.
- Finally, the New Road Rules Regulations also introduce regulation 20, which places beyond doubt that rule 205A (which relates to parking outside of the times indicated on a permissive parking sign) does not operate to permit a driver to park on a bicycle lane, bus lane or transit lane.

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