



New South Wales

## Roads Regulation 2018

under the

Roads Act 1993

[*The following enacting formula will be included if this Regulation is made:*]

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Roads Act 1993*.

Minister for Roads, Maritime and Freight

### Explanatory note

The object of this Regulation is to remake, with some amendments, the *Roads Regulation 2008*, which is repealed on 1 September 2018 by section 10 (2) of the *Subordinate Legislation Act 1989*.

The Regulation provides for the following matters:

- (a) road management, including offences relating to the protection of roads, traffic and public safety,
- (b) the use of tollways, including the payment of tolls and charges,
- (c) bridges and tunnels, including offences relating to the protection of infrastructure and public safety,
- (d) road-ferries, including the conduct of passengers and safety matters,
- (e) the offences under the *Roads Act 1993* and this Regulation for which penalty notices may be issued and the amounts of the penalties payable,
- (f) the roads authorities for particular public roads in New South Wales,
- (g) other minor and miscellaneous matters.

This Regulation is made under the *Roads Act 1993*, including sections 7, 34 (2), 172 (2) (f), 182 (2), 213 (3), 214 (5), 243, 248 and 250A, the definitions of **authorised officer**, **public authority** and **road event** in the Dictionary and section 264 (the general regulation-making power).

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## Roads Regulation 2018

under the

Roads Act 1993

### Part 1 Preliminary

#### 1 Name of Regulation

This Regulation is the *Roads Regulation 2018*.

#### 2 Commencement

This Regulation commences on 1 September 2018 and is required to be published on the NSW legislation website.

**Note.** This Regulation replaces the *Roads Regulation 2008*, which is repealed on 1 September 2018 by section 10 (2) of the *Subordinate Legislation Act 1989*.

#### 3 Definitions

(1) In this Regulation:

**carriageway** means the portion of a road improved or designed for use by, or used by, the main body of moving vehicles and does not include any shoulder of a road, breakdown lane or other lateral part of the road not so improved, designed or used.

**drive** includes ride or draw (in relation to a vehicle) and ride or lead (in relation to an animal).

**motor vehicle** has the same meaning as in the *Road Transport Act 2013*.

**the Act** means the *Roads Act 1993*.

**vehicle** has the same meaning as in the *Road Transport Act 2013*.

**Note.** The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

## Part 2 Roads

### Division 1 General

#### 4 Application of Part

This Part applies to a public road and to a classified road that is not a public road.

#### 5 Temporary closing of road

- (1) A roads authority must give at least 7 days notice of its intention to close a public road in the exercise of its functions under Part 8 of the Act:
  - (a) by means of a notice published in a local newspaper or by other means approved by RMS in a particular case, and
  - (b) by means of conspicuous notices erected along the road.
- (2) No such notice is necessary in the case of an emergency.

#### 6 Traffic controllers

- (1) For the purpose of enabling it to exercise its functions under Part 8 of the Act, a roads authority may engage, or authorise its agents or contractors to engage, traffic controllers to direct traffic on a road.
- (2) A person may be engaged as a traffic controller only if the person has completed a training course in traffic control approved by SafeWork NSW or a roads authority and is authorised by SafeWork NSW to act as a traffic controller.
- (3) A traffic controller must wear a badge or other distinguishing mark clearly indicating the person is a traffic controller.
- (4) A person must not disregard the reasonable directions of a traffic controller with respect to the regulation of traffic.  
Maximum penalty (subclause (4)): 20 penalty units.

#### 7 Procedure for naming roads

- (1) A roads authority that proposes to name or rename a road must:
  - (a) publish notice of the proposal in a local newspaper or on the Internet, and
  - (b) notify all relevant parties of the proposal.
- (2) The notice must state that written submissions on the proposed name may be made to the roads authority and must specify how, and the date by which, submissions are to be made.
- (3) Any person may make written submissions to the roads authority on its proposal to name or rename a road.
- (4) A roads authority (other than the Minister) may not proceed with a proposal to name or rename a road against an objection made by a relevant party except with the approval of the Minister.
- (5) If, after considering any submissions duly made to it, the roads authority decides to proceed with the proposed name, the roads authority:
  - (a) must publish notice of the new name in the Gazette and in a local newspaper or on the Internet, giving (in the case of a road that is being named for the first time) a brief description of the location of the road, and
  - (b) must notify the relevant parties of the new name, giving sufficient particulars to enable the road to be identified.

- (6) In this clause, **relevant party** means:
- (a) Australia Post,
  - (b) the Registrar-General,
  - (c) the Surveyor-General,
  - (d) the chief executive of the Ambulance Service of NSW,
  - (e) Fire and Rescue NSW,
  - (f) the NSW Rural Fire Service,
  - (g) the NSW Police Force,
  - (h) the NSW State Emergency Service,
  - (i) the NSW Volunteer Rescue Association,
  - (j) in relation to a classified road—RMS.

## Division 2 Protection of roads and traffic

### 8 Things placed on and use of roads

- (1) A person must not:
- (a) place on a road anything that is likely to injure any person or damage any vehicle, or
  - (b) place on a road anything that is likely to restrict or endanger the use of a road by the public or interfere with public convenience, or
  - (c) load or unload a vehicle on or from the shoulder of a road in a manner that is likely to cause damage to the road, or
  - (d) allow to escape onto a road any liquid or any loose or waste material.
- Maximum penalty: 20 penalty units.
- (2) Subclause (1) does not apply to:
- (a) the placement on a road of a building waste storage container, to the extent to which its placement is authorised by or under the *Local Government Act 1993*, or
  - (b) the placement on a road of a garbage bin, bag or other receptacle or of other refuse collectible by the council, to the extent to which its placement is authorised by or under the *Local Government Act 1993*, so long as it is placed:
    - (i) beside the carriageway of the road, and
    - (ii) out of the line of traffic, or
  - (c) the doing of anything on a road with the consent of the relevant roads authority, or
  - (d) the temporary placement of anything on a road as a result of the breakdown of the vehicle or animal by which it is being carried.
- (3) A person who leaves anything on a road because of the breakdown of the vehicle or animal by which it is being carried:
- (a) must place it out of the line of traffic, and
  - (b) must ensure that it is adequately guarded to prevent it being a danger to the public, and
  - (c) must ensure that it is adequately lit at night, and
  - (d) must cause it to be removed from the road as soon as practicable.
- Maximum penalty: 20 penalty units.

## 9 Protection of roads

A person must not:

- (a) drive a vehicle or animal on a road in such a manner as to cause damage (other than fair wear and tear) to the road or to any structure or work on the road, or
- (b) tether in any road any animal that is capable of causing damage to the road or to any structure or work on the road.

Maximum penalty: 10 penalty units.

## 10 Dragging things on road

(1) A person must not:

- (a) propel or drag anything along the surface of a road that is capable of causing damage to the road or to any structure or work on the road, fair wear and tear excepted, or
- (b) drive a vehicle with chains on its wheels otherwise than on a road whose surface is covered with mud, snow or ice.

Maximum penalty: 10 penalty units.

(2) A person must not, except with the permission of the roads authority, drive on a road a vehicle that has caterpillar tracks or that has wheels having spikes, bars or other projections that come into contact with the road surface.

Maximum penalty: 20 penalty units.

## 11 Vehicles in disrepair

A person must not drive a vehicle on a road if the vehicle is in such a state of disrepair as to cause damage to the road or to any structure or work on the road, fair wear and tear excepted.

Maximum penalty: 10 penalty units.

## Division 3 Protection of public safety

### 12 Lighting and fencing of obstructions and dangers

Any person (including a roads authority) who carries out a work on a road in such a manner as to create a traffic hazard:

- (a) must ensure that the hazard is adequately guarded to prevent it being a danger to the public, and
- (b) must ensure that the hazard is adequately lit at night.

Maximum penalty: 20 penalty units.

### 13 Lights on roads

A person must not extinguish, interfere with or obscure any street light or hazard warning light on a road.

Maximum penalty: 20 penalty units.

### 14 Jumping onto or from bridges and other structures

(1) A person must not jump onto or from any portion of a bridge or other structure that is situated on, or forms part of, a road.

Maximum penalty: 30 penalty units.

(2) A roads authority may, either unconditionally or subject to conditions, exempt any person or class of persons in writing from the operation of this clause.

## **Division 4      Protection from neighbouring land**

### **15    Throwing things onto roads or vehicles**

A person must not, without the permission of a roads authority, cast or throw anything onto a road, or into or onto a vehicle on a road, from anywhere (including the road).

Maximum penalty: 30 penalty units.

### **16    Property to be sufficiently spouted**

The occupier of land having frontage to a road must not allow water to drip or flow from the land onto any part of the road other than the gutter.

Maximum penalty: 10 penalty units.

### **17    Excavations adjacent to road**

A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road.

Maximum penalty: 20 penalty units.

### **18    Obstruction on footway or road**

A person must not erect, maintain or use a door or gate that opens outwards into a road.

Maximum penalty: 10 penalty units.

## Part 3 Tollways

### Division 1 Payment of tolls and charges

#### 19 Driver of vehicle to pay tolls and charges

- (1) The driver of a vehicle that passes a toll point on a tollway must pay any toll or charge payable for the use of the tollway to the toll operator at or within the time and in the manner specified by the toll operator in respect of the tollway.

Maximum penalty: 5 penalty units.

**Note.** Section 244 of the Act makes the owner of a vehicle guilty of an offence under this clause unless the vehicle was stolen or the owner nominates another person as the person in charge of the vehicle at the time of the offence.

- (2) A requirement to pay a toll or charge includes a requirement to pay the toll or charge in accordance with any terms and conditions (including a term requiring the payment of an administrative charge) that may be imposed by a toll operator in relation to the particular manner of payment of the toll or charge.
- (3) A toll operator must publish the following information on the Internet in relation to each tollway it operates:
- (a) the amount of the toll payable for the use of the tollway and how that amount is calculated,
  - (b) the amount of any charge (including an administrative charge) payable by the driver for the use of the tollway and how that amount is calculated,
  - (c) the time within which a toll or charge must be paid,
  - (d) the manner in which a toll or charge may be paid,
  - (e) any other terms and conditions that apply to the payment of the toll or charge,
  - (f) the procedure for objecting to the imposition of a toll or charge or the amount of a toll or charge imposed,
  - (g) that it is an offence for the driver of a vehicle that passes a toll point to not pay a toll or charge payable for the use of the tollway,
  - (h) any other information required by RMS in relation to the tolls and charges payable for the use of the tollway.
- (4) A toll operator may also indicate, by the use of signs approved by RMS, any of the information referred to in subclause (3).
- (5) A toll operator may waive a toll or charge in respect of a particular vehicle or class of vehicles.
- (6) Nothing in clause 34 or 35 affects the requirement to pay a toll or charge under this clause.

#### 20 Person must not interfere with toll equipment

A person must not, without reasonable excuse, tamper or otherwise interfere with any equipment used in connection with the collection of a toll (such as an electronic device, a sensor unit or an electronic boom gate).

Maximum penalty: 10 penalty units.

#### 21 Objections in relation to payment of tolls and charges

- (1) A person (the *objector*) who has paid a toll or charge, or who is required to pay a toll or charge, under this Part may object to:
- (a) the imposition of the toll or charge, or

- (b) the amount of the toll or charge imposed,  
if the objector is of the opinion that he or she is not liable for the toll or charge (or the full amount of the toll or charge) imposed.
- (2) An objection must:
  - (a) be made within 60 days after the liability to pay the toll or charge is incurred, and
  - (b) be made in writing and specify the grounds of the objection.
- (3) A toll operator must, within 14 days after receiving the objection:
  - (a) deal with the objection by:
    - (i) reimbursing the objector for all or part of the toll or charge, or
    - (ii) waiving payment of all or part of the toll or charge, or
    - (iii) dismissing the objection, and
  - (b) notify the objector of the decision on the objection, and
  - (c) inform the objector of the right to apply for an internal review of the decision as referred to in clause 22.
- (4) The toll operator is taken to have dismissed an objection if the toll operator does not deal with the objection within 14 days.

## 22 Internal reviews of objection decisions

- (1) A person may apply to a toll operator for an internal review of the toll operator's decision on an objection made under clause 21 (the *original decision*) if:
  - (a) the person is not satisfied with the original decision, or
  - (b) the toll operator is taken to have dismissed the objection under clause 21 (4).
- (2) An application for internal review must be made:
  - (a) within 14 days after the person is notified of the original decision, or
  - (b) in the case of an objection that is taken to have been dismissed under clause 21 (4)—within 28 days after the person made the objection.
- (3) An application for internal review must be in writing and specify the grounds of the application.
- (4) An application for internal review is to be dealt with by an individual directed by the toll operator to deal with the application (the *reviewer*). The reviewer must be a person who was not substantially involved in making the original decision.
- (5) The reviewer must, within 21 days after receiving an application:
  - (a) confirm, vary or revoke the original decision, and
  - (b) notify the person of the decision on the internal review.

## 23 Security indicators for toll camera photographs

- (1) For the purposes of section 250A (2) (b) of the Act, the following are prescribed as a security indicator:
  - (a) a series of 32 characters produced by an MD5 algorithm,
  - (b) a series of 48 characters of which 32 characters have been produced by an MD5 algorithm.
- (2) In this clause, *character* includes a letter, number or symbol.

## **24 Inspection of toll cameras**

For the purposes of section 250A (3) (b) of the Act, the period of 90 days is prescribed.

## **25 Divulging of information from toll cameras to prescribed persons**

For the purpose of section 250A (5) (e) of the Act, the following are prescribed:

- (a) the Minister,
- (b) a law enforcement agency within the meaning of the *Privacy and Personal Information Protection Act 1998*,
- (c) a public sector agency within the meaning of the *Privacy and Personal Information Protection Act 1998*.

## **26 Vehicles exempt from paying tolls and charges**

- (1) The following vehicles are exempt from paying a toll or charge to use a tollway (other than the Sydney Harbour Bridge or Sydney Harbour Tunnel):
  - (a) marked police vehicles,
  - (b) unmarked police vehicles displaying a flashing light or sounding an alarm,
  - (c) Fire and Rescue NSW vehicles,
  - (d) ambulances.
- (2) The vehicles that are exempt from paying a toll or charge to use the Sydney Harbour Bridge and the Sydney Harbour Tunnel are vehicles in a class specified in an order under section 215 of the Act as exempt from paying a toll to use the Sydney Harbour Bridge.

## **Division 2 Use of tollways**

### **27 Vehicles to use carriageways**

- (1) A person must not drive a motor vehicle on any part of a tollway other than a carriageway.  
Maximum penalty: 10 penalty units.
- (2) This clause does not prohibit a person from doing such things as are necessary to enable the person to comply with the requirements of clause 31.

### **28 Pedestrians to use footways and footbridges**

- (1) A pedestrian must not go onto any part of a tollway other than a footway or footbridge.  
Maximum penalty: 10 penalty units.
- (2) This clause does not prohibit a person from doing such things as are necessary to enable the person to comply with the requirements of clause 31.

### **29 Leaving motor vehicles unattended**

- (1) A person who is in charge of a motor vehicle that is situated on a tollway must not leave the vehicle unattended.  
Maximum penalty: 20 penalty units.
- (2) This clause does not prohibit a person from doing such things as are necessary to enable the person to comply with the requirements of clause 31.

### **30 Unloading of motor vehicles**

A person must not load or unload a motor vehicle on or from any part of a tollway or its carriageway otherwise than in accordance with a direction given by an authorised officer under clause 34.

Maximum penalty: 10 penalty units.

### **31 Breakdowns**

The driver of a motor vehicle that breaks down while travelling along a tollway must take all reasonable steps to ensure that the vehicle:

- (a) does not constitute a hazard to other motor vehicles, and
- (b) is removed from the tollway as soon as practicable.

Maximum penalty: 20 penalty units.

### **32 Straying animals**

A person who is in charge of an animal must not allow the animal to stray onto any part of a tollway.

Maximum penalty: 10 penalty units.

## **Division 3 Miscellaneous**

### **33 Application of section 101 and Division 3 of Part 9 of the Act**

- (1) The following provisions of the Act apply to and in respect of a tollway that is operated by RMS in the same way as they apply to and in respect of a public road:
  - (a) section 101 (Restoration of public road following excavation etc),
  - (b) Division 3 of Part 9 (which regulates the erection of structures and the carrying out of works on public roads),
  - (c) such other provisions of the Act as are ancillary to the operation of section 101 and Division 3 of Part 9.
- (2) A reference in those provisions to a public road is taken to be a reference to the tollway and a reference in those provisions to a roads authority is taken to be a reference to RMS.
- (3) This clause does not apply to a tollway operated by a toll operator other than RMS.

### **34 Directions by authorised officers**

- (1) An authorised officer may give directions with respect to:
  - (a) the regulation of pedestrian and vehicular traffic on a tollway, and
  - (b) the safety of a tollway and of persons and property on the tollway.
- (2) A person must not contravene a lawful direction given to the person under this clause.  
Maximum penalty: 20 penalty units.

### **35 Directions by notice**

- (1) A toll operator may display notices containing directions with respect to:
  - (a) the regulation of pedestrian and vehicular traffic on a tollway, or
  - (b) the safety of a tollway and of persons and property on the tollway.
- (2) Such a notice does not have effect unless:
  - (a) it is prominently displayed on or in the vicinity of that part of the tollway to which it is intended to apply, and

- (b) the directions contained in it are clearly legible to those persons to whom it is intended to apply.
- (3) A person must not contravene a lawful direction contained in a notice displayed in accordance with this clause.  
Maximum penalty: 20 penalty units.

**36 Application of Part to police officers and authorised officers**

This Part does not apply to a police officer or an authorised officer in the exercise of a function as a police officer or authorised officer.

**37 Application of Part to Sydney Harbour Tunnel and Sydney Harbour Bridge**

This Part (except clause 33) applies to and in respect of the Sydney Harbour Tunnel and the Sydney Harbour Bridge in the same way as it applies to and in respect of a tollway, and so applies as if a toll or charge for using the Sydney Harbour Tunnel or the Sydney Harbour Bridge (as the case requires) were a toll or charge for using a tollway.

## Part 4 Bridges and tunnels

### Division 1 General

#### 38 Definitions

In this Part:

*opening bridge* means a bridge that is designed to be opened, whether by lifting or turning a span of the bridge or otherwise.

*operator* of an opening bridge means the person responsible for opening the bridge.

#### 39 Extension of Part to ancillary works and structures

This Part extends to a work or structure that is ancillary to a bridge or tunnel (such as an approach to a bridge or tunnel) as if it were part of the bridge or tunnel.

#### 40 Behaving unsafely on bridges and tunnels

- (1) A person must not do anything that:
  - (a) endangers the stability or structural integrity of a bridge or tunnel, or
  - (b) interferes with the safe and efficient operation of a bridge or tunnel.Maximum penalty: 30 penalty units.
- (2) A person must not obstruct, or impede the proper use of, a walkway or cycleway on a bridge.  
Maximum penalty: 30 penalty units.

#### 41 Pedestrians and cyclists prohibited in tunnels

- (1) A pedestrian must not travel in a tunnel.  
Maximum penalty: 30 penalty units.
- (2) A person must not ride a bicycle, animal or animal-drawn vehicle in a tunnel.  
Maximum penalty: 30 penalty units.

#### 42 Climbing on bridges

A person must not:

- (a) climb on any part of a bridge, or
  - (b) remain on the moving span of a bridge while it is closed to traffic.
- Maximum penalty: 30 penalty units.

#### 43 Lighting fires on bridges

A person must not light, maintain or use a fire on, under or in the immediate vicinity of a bridge.

Maximum penalty: 20 penalty units.

#### 44 Throwing or dropping things from bridges

A person must not throw or drop anything from a bridge.

Maximum penalty: 30 penalty units.

#### 45 Fishing from bridges

- (1) A roads authority may prohibit fishing from a bridge, or any part of a bridge, by means of notices conspicuously displayed on or adjacent to the bridge.

- (2) A person must not fish from a bridge in contravention of any such notice.  
Maximum penalty: 5 penalty units.

**46 Control of traffic on opening bridges**

- (1) A roads authority or bridge operator may give any directions that are necessary for the regulation of traffic in relation to the opening and closing of the bridge.
- (2) A person must not contravene a lawful direction given to the person under this clause.  
Maximum penalty: 20 penalty units.

**47 Cyclists to use cycleways on Sydney Harbour Bridge**

A person must not ride a bicycle on any part of the Sydney Harbour Bridge other than a cycleway.  
Maximum penalty: 10 penalty units.

**48 Regulation of commercial activities on Sydney Harbour Bridge and ANZAC Bridge**

- (1) A person must not, on the Sydney Harbour Bridge or on the ANZAC Bridge:
- (a) sell or hire any goods, or offer any goods for sale or hire, or
  - (b) provide or offer to provide any services for fee, gain or reward, or
  - (c) conduct or participate in any entertainment or exhibition (whether or not for fee, gain or reward), or
  - (d) conduct or participate in any public assembly or public procession, or
  - (e) display any advertisement (otherwise than on a vehicle travelling across the Bridge) or distribute any advertising matter,
- otherwise than under and in accordance with a permit issued by RMS.  
Maximum penalty: 5 penalty units.
- (2) This clause does not affect the operation of Part 4 (Public assemblies) of the *Summary Offences Act 1988*.

**49 Exemptions**

A roads authority may, either unconditionally or subject to conditions, exempt any person or class of persons in writing from the operation of any provision of this Division.

## Division 2 Navigation through opening bridges

**50 Navigation lights for opening bridges**

An operator of an opening bridge must ensure that the following navigation lights are displayed to vessels approaching the bridge from either direction:

- (a) a green light to indicate the starboard hand of the channel,
- (b) a red light to indicate the port hand of the channel.

Maximum penalty: 10 penalty units.

**51 Passing near or through opening bridges**

- (1) The master of a vessel who does not intend to pass through an opening bridge must keep the vessel a safe distance from the bridge (or, if RMS has determined a minimum distance that must be kept between a vessel and a particular bridge, that minimum distance).  
Maximum penalty: 10 penalty units.

- (2) The master of a vessel who intends to pass through an opening bridge may give the bridge operator notice of that intention by:
- (a) giving the **request bridge open** signal, or
  - (b) communicating directly to the bridge operator by telephone or 2-way radio, or
  - (c) giving written notice in accordance with subclause (7).
- (3) The master of the vessel must keep the vessel a safe distance from the opening bridge (or, if RMS has determined a minimum distance that must be kept between a vessel and a particular bridge, that minimum distance) until the bridge operator has:
- (a) given the **bridge open** signal, or
  - (b) communicated directly with the master by telephone or 2-way radio that the bridge is open.
- Maximum penalty: 10 penalty units.
- (4) After a bridge has been opened to allow a vessel to pass through, the master of the vessel:
- (a) must:
    - (i) give the bridge operator the **ready to pass through** signal, or
    - (ii) communicate directly to the bridge operator by telephone or 2-way radio that the vessel is ready to pass through the open bridge, and
  - (b) after doing so, must take the vessel through the bridge without delay.
- Maximum penalty: 10 penalty units.
- (5) The master of the vessel must not cause or allow the vessel to pass through or under an opening bridge except under power or on tow.
- Maximum penalty: 10 penalty units.
- (6) If the vessel is not ready to pass through the bridge within 5 minutes after the bridge is opened, the bridge operator:
- (a) may:
    - (i) replace the **bridge open** signal with the **request acknowledged** signal, or
    - (ii) communicate directly to the master of the vessel by telephone or 2-way radio that the bridge operator intends to close the bridge, and
  - (b) after doing so, may close the bridge.
- (7) A written notice referred to in subclause (2) (c):
- (a) must be given to the bridge operator at least 15 minutes (or, if RMS has determined a longer period for a particular bridge, that longer period) before the vessel is ready to pass through, and
  - (b) must state the approximate time when the bridge is required to be opened.
- (8) This clause does not apply in relation to a vessel that, because of its size, does not require the bridge to be opened in order to pass through the bridge.

## 52 Signals for use for opening bridges

- (1) The **request acknowledged** signal to be displayed by a bridge operator to acknowledge a request to open the bridge for a vessel is as follows:
- (a) between sunrise and sunset, a red semaphore arm, a red flag or a red light,
  - (b) between sunset and sunrise, a red light.

- (2) The **bridge open** signal to be displayed by a bridge operator to indicate that the bridge is open for vessels to pass through is as follows:
  - (a) between sunrise and sunset, a green semaphore arm, a green flag or a green light,
  - (b) between sunset and sunrise, a green light.

### 53 Signals given by vessels

- (1) The **request open bridge** signal for a vessel that requires a bridge to be opened is to be given by 3 long blasts on the vessel's siren or whistle.
- (2) The **ready to pass through** signal for a vessel that is ready to pass through an open bridge is to be given by one long blast, followed by one short blast, on the vessel's siren or whistle.

## Part 5 Ferries

### Division 1 General

#### 54 Definition

In this Part:

*ferry* means a road-ferry, and includes any vessel, equipment or structure that is used in connection with the operation of a road-ferry.

#### 55 Timetables

- (1) A roads authority:
  - (a) may fix a timetable for any ferry under its control, and
  - (b) may determine the maximum capacity of the ferry, and
  - (c) may restrict or prohibit the use of the ferry for the carriage of stock or heavy vehicles between 10 pm and 6 am.
- (2) The roads authority must ensure that the ferry is operated:
  - (a) at the times displayed in the timetable for the ferry, or
  - (b) if no timetable is fixed for the ferry, at any time its use is demanded.
- (3) However, the ferry is not required to operate during adverse weather, if to do so would risk loss of life or property, or during any period while the ferry is temporarily closed as referred to in clause 57.

#### 56 Ferries to have notice boards

- (1) The roads authority must cause a notice to be conspicuously displayed at each part of the road from which access to the ferry is gained.
- (2) The notice must contain the following particulars:
  - (a) the name of the ferry,
  - (b) the ferry operator's name,
  - (c) the timetable for the ferry (if any),
  - (d) the charges (if any) that are payable for use of the ferry,
  - (e) the maximum capacity of the ferry,
  - (f) the restrictions or prohibitions (if any) that apply to the use of the ferry for the carriage of stock or heavy vehicles between 10 pm and 6 am.
- (3) A person must not damage, deface or destroy a notice displayed in accordance with this clause.  
Maximum penalty: 5 penalty units.

#### 57 Temporary ferry closures

- (1) The roads authority may temporarily close a ferry for any reason (such as unavailability of a ferry operator or loss or damage to the ferry) that the roads authority considers necessary.
- (2) While the ferry is closed, the roads authority must cause notice of the closure:
  - (a) to be conspicuously displayed at each part of the road from which access to the ferry is gained, and
  - (b) to be published in the local area by means of local newspaper, television, radio or the Internet).

## **Division 2 Conduct of ferry passengers**

### **58 Passengers to pay ferry charges**

A person must not use a ferry for which a charge is payable unless the charge has been paid.

Maximum penalty: 5 penalty units.

### **59 Passengers to embark on or disembark from ferries only with ferry operator's permission**

A person must not embark on, or disembark from, a ferry until allowed to do so by the ferry operator.

Maximum penalty: 10 penalty units.

### **60 Animals and vehicles to embark on or disembark from ferries only on ferry operator's instructions**

- (1) A person must not drive a vehicle or animal towards a ferry beyond any sign displaying the word "STOP" on or in the vicinity of the ferry until the person is allowed to do so by the ferry operator.

Maximum penalty: 10 penalty units.

- (2) A person must not drive a vehicle or animal off a ferry until the person is allowed to do so by the ferry operator.

Maximum penalty: 10 penalty units.

### **61 Regulation of commercial activities**

- (1) A person must not, on a ferry:

- (a) sell or hire any goods, or offer any goods for sale or hire, or
- (b) provide or offer to provide any services for fee, gain or reward, or
- (c) conduct or participate in any entertainment or exhibition (whether or not for fee, gain or reward).

Maximum penalty: 5 penalty units.

- (2) This clause does not affect the operation of Part 4 (Public assemblies) of the *Summary Offences Act 1988*.

### **62 Confusing lights not to be displayed**

- (1) A ferry operator may direct a person in charge of a vehicle on the ferry to extinguish any light on the vehicle if satisfied that the light:

- (a) is likely to be mistaken for the navigation light of a ship, or
- (b) is likely to interfere with the safe operation of the ferry.

- (2) A person must not fail to comply with a lawful direction given to the person under this clause.

Maximum penalty: 10 penalty units.

### **63 Passengers on foot to use only areas set aside for them**

A foot passenger must not occupy any portion of a ferry set apart for vehicles or animals if special accommodation for foot passengers exists on the ferry.

Maximum penalty: 10 penalty units.

## **64 General offences**

A person must not:

- (a) obstruct or interfere with a ferry, or
- (b) obstruct a ferry operator, or
- (c) obstruct any person boarding or leaving a ferry, or
- (d) leave unattended on a ferry any vehicle or animal that is under the person's control, or
- (e) open any container of petrol or other flammable spirit or oil, or strike a match or expose a naked light on a ferry, except in connection with the working of the ferry, or
- (f) smoke on a ferry, or
- (g) move onto or occupy a position on the flap of a ferry while the ferry is in motion, or before permission to embark or disembark has been signified by the ferry operator.

Maximum penalty: 10 penalty units.

## **65 Control of traffic on ferries**

- (1) A ferry operator may give such directions as the ferry operator considers necessary for the regulation of traffic in relation to the operation of the ferry.
- (2) In particular, a ferry operator may direct any passenger to leave the ferry, or to remove any vehicle, animal or goods from the ferry, if satisfied that it is necessary to do so for the safe operation of the ferry.
- (3) A person must not contravene any lawful direction given to the person under this clause.  
Maximum penalty: 10 penalty units.
- (4) A ferry operator may refuse to operate the ferry while any direction under this clause is not complied with.

## **Division 3 Safety equipment and procedures**

### **66 Gates and exits**

- (1) A ferry operator must keep all gates and exits from the ferry securely closed while a ferry is in motion.  
Maximum penalty: 10 penalty units.
- (2) A ferry operator must cause the ferry to be securely moored and the gates adjusted before allowing any person, vehicle or animal to embark on, or disembark from, the ferry.  
Maximum penalty: 10 penalty units.

### **67 Ferry approaches**

The roads authority must ensure that the approaches to the ferry are sufficiently lit during darkness to ensure the safety and convenience of ferry passengers.

## Part 6 Public gates

### 68 Consent of adjoining landowner to be obtained

An application for a public gate permit that is made by a person who owns land on one side only of the road across which the proposed public gate is to be erected must be accompanied by the written consent of the owner or owners of the land on the other side of the road.

### 69 Notice inviting objections

Before determining an application for a public gate permit, the roads authority:

- (a) must cause notice of the proposal to erect a public gate (including particulars as to the proposed location of the gate) to be published in a local newspaper, and
- (b) must allow sufficient time (being not less than 28 days from the date of publication of the notice) for written submissions on the proposal to be made to the roads authority, and
- (c) must have due regard to any written submissions on the proposal that are made to the roads authority within that time.

### 70 Maintenance of public gates

The holder of a public gate permit must ensure that:

- (a) the gate is white, and
- (b) the posts on either side of the gate are fitted with reflectors facing along the road in each direction.

Maximum penalty: 10 penalty units.

### 71 Road near gate

The holder of a public gate permit must ensure that the road approaches to the gate are maintained in good condition for the distance (not exceeding 20 metres) from each side of the gate, and for the width, determined by the roads authority when granting the permit.

Maximum penalty: 10 penalty units.

## Part 7 Miscellaneous

### 72 Transfer of application for closing public road

- (1) For the purposes of section 34 (2) of the Act, the transfer of an application for the closing of a public road must contain the following information:
  - (a) the name, address and contact details of the proposed transferor and proposed transferee,
  - (b) the application or other reference number,
  - (c) a diagram or description of the road concerned,
  - (d) a statement 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.
- (2) The transfer must be signed by the proposed transferor and the proposed transferee.
- (3) The transfer must be lodged with the Secretary of the Department of Industry and takes effect when it is received by the Secretary.
- (4) In this clause, *transferor* means the original applicant or any person to whom the application is transferred in accordance with this clause.

### 73 Transfer of application for acquisition of land for public road

- (1) For the purposes of section 182 (2) of the Act, the transfer of an application for the acquisition of land for the purposes of a public road must contain the following information:
  - (a) the name, address and contact details of the proposed transferor and proposed transferee,
  - (b) the application or other reference number,
  - (c) a diagram or description of the land concerned,
  - (d) a statement 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.
- (2) The transfer must be signed by the proposed transferor and the proposed transferee.
- (3) The transfer must be lodged with the Secretary of the Department of Industry and takes effect when it is received by the Secretary.
- (4) In this clause, *transferor* means the original applicant or any person to whom the application is transferred in accordance with this clause.

### 74 Authority to enter land

For the purposes of section 172 (2) (f) of the Act, the following classes are prescribed:

- (a) in relation to a certificate of authority issued by the Minister for Lands and Forestry—a Public Service senior executive employed in the Department of Industry,
- (b) in relation to a certificate of authority issued by RMS—a member of staff of RMS who holds the position of Executive Director.

### 75 Evidentiary certificates

For the purposes of section 248 (1), (2) and (4) of the Act, the following classes of persons are prescribed:

- (a) in relation to a certificate issued on behalf of the Minister for Lands and Forestry—a Public Service senior executive employed in the Department of Industry,
- (b) in relation to a certificate issued on behalf of a council—the general manager of the council,
- (c) in relation to a certificate issued on behalf of RMS under section 248 (1), (2) or (4)—a member of staff of RMS who is authorised by RMS to issue the certificate.

## 76 Authorised officers

- (1) 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 reserve trust, and
    - (ii) an employee of a corporation appointed to manage the affairs of that trust, and
    - (iii) an administrator appointed to manage the affairs of that trust,
  - (b) in respect of dedicated or reserved Crown land under the *Crown Land Management Act 2016*:
    - (i) a member of a board of a Crown land manager, and
    - (ii) an employee of a Crown land manager, and
    - (iii) an administrator for a statutory land manager,
  - (c) 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, and
    - (ii) an employee of a local authority appointed to manage the affairs of that trust, and
    - (iii) an administrator appointed to manage the affairs of that trust,
  - (d) in respect of a state conservation area within the meaning of the *National Parks and Wildlife Act 1974*:
    - (i) a member or employee of the trust board for the state conservation area trust, and
    - (ii) an administrator appointed to manage the affairs of that trust,
  - (e) in respect of any land proposed to be used for a road—a person (including a contractor, volunteer or employee of a public authority) engaged or authorised by RMS to carry out inspections or investigations relating to any one or more of the following:
    - (i) ascertainment of the physical features or conditions of the land,
    - (ii) determination of whether the land is suitable for use as a road,
    - (iii) determination of any environmental, economic, cultural, social or other impact of the proposed use of the land,
  - (f) in respect of a tollway, the Sydney Harbour Tunnel or the Sydney Harbour Bridge—an employee or agent of the toll operator,
  - (g) a member of staff of Transport for NSW.

- (2) An authorised officer referred to in subclause (1) (f) may exercise a function only if (in the case of a function exercised in the presence of a person in respect of whom it is exercised) the authorised officer:
- (a) wears a uniform issued by the toll operator, or
  - (b) wears an identity card, issued by the toll operator, that is clearly visible.

## 77 Public authorities

For the purposes of the definition of *public authority* in the Dictionary to the Act, the following are prescribed:

- (a) the Hunter Water Corporation,
- (b) the Sydney Water Corporation,
- (c) Water NSW,
- (d) Sydney Trains,
- (e) an energy services corporation within the meaning of the *Energy Services Corporations Act 1995*.

## 78 Provision of information by toll service providers to RMS and its delegates

- (1) RMS may require a toll service provider to provide RMS with any of the following information for the purpose of assisting it to determine an individual's entitlement to a relevant motor vehicle tax or registration fee exemption:
- (a) information evidencing toll payments during the 2017–2018 financial year or any subsequent financial year,
  - (b) account numbers for tolling accounts,
  - (c) electronic tag numbers associated with tolling accounts,
  - (d) vehicle number-plates associated with tolling accounts,
  - (e) participation in the M5 Cashback Scheme conducted by the NSW Government,
  - (f) information about the periods during which:
    - (i) toll payments were made, or
    - (ii) tolling accounts were active, or
    - (iii) electronic tags or vehicle number-plates were associated with particular tolling accounts, or
    - (iv) an individual was a registered participant of the M5 Cashback Scheme.
- (2) Each of the following is a *relevant motor vehicle tax or registration fee exemption*:
- (a) an exemption from paying any motor vehicle tax in respect of the registration of a registrable light motor vehicle under clause 5 of the *Motor Vehicles Taxation Regulation 2016*,
  - (b) an exemption from paying any registration fee for a registrable light motor vehicle under clause 127A of the *Road Transport (Vehicle Registration) Regulation 2017*.
- (3) To avoid doubt, RMS may require a toll service provider to provide information of a kind referred to in subclause (1) for the purposes of a pilot program of the kind referred to in clause 127A of the *Road Transport (Vehicle Registration) Regulation 2017*.
- (4) A toll service provider is authorised to disclose to RMS any information that RMS requires from the provider under this clause.

(5) In this clause:

**financial year** means the period of 12 months commencing on 1 July in any year.

**registrable light motor vehicle** has the same meaning as in clause 127A of the *Road Transport (Vehicle Registration) Regulation 2017*.

**RMS** includes:

- (a) the Chief Executive Officer of Service NSW in the exercise of any customer service functions (within the meaning of the *Service NSW (One-stop Access to Government Services) Act 2013*) of RMS, and
- (b) any other person to whom RMS has delegated the function of obtaining information under the provisions referred to in subclause (2).

**toll service provider** means a person that provides accounts, products or related services to enable the payment of tolls for the use of tollways, bridges, tunnels or road-ferries by persons who are required to pay such tolls.

**tolling account** means an account provided by a toll service provider for the purpose of enabling the account holder to pay tolls.

## 79 Filming projects

For the purposes of the definition of **road event** in the Dictionary to the Act, a filming project (within the meaning of the *Local Government Act 1993*), and any activity that is ancillary to or connected with the filming project, is prescribed as a road event.

## 80 Unpaid tolls and charges are debts

Any unpaid toll or charge payable in respect of a vehicle under clause 19 may be recovered from the registered operator of the vehicle (within the meaning of the *Road Transport Act 2013*) by the toll operator as a debt.

## 81 Savings

Any act, matter or thing that, immediately before the repeal of the *Roads Regulation 2008*, had effect under that Regulation is taken to have effect under this Regulation.

## Schedule 1 Roads authorities

### 1 M5 East Motorway

RMS is declared to be the roads authority for all public roads within the area shaded brown and shown as Lots 1–20 on the 4 sheets of the RMS plan marked “RTA Plan No 6005 386 SS 0357”.

### 2 Cross City Tunnel

RMS is declared to be the roads authority for:

- (a) the public roads shaded brown and shown as Lots 1–8 on the RMS plan marked “Plan No. 6010 412 SS 0006”, being the following:
  - (i) part of Pyrmont Street for approximately 40 m south of Fig Street, Pyrmont,
  - (ii) part of Harbour Street adjacent to Day Street, Darling Harbour (formerly part of Steam Mill Street and Duncan Street),
  - (iii) part of Day Street between Sussex Street and the north side of Bathurst Street, Darling Harbour,
  - (iv) part of Druitt Street between Day Street and a point 17.5 m west of Kent Street, Sydney,
  - (v) part of Sir John Young Crescent between Riley Street and Lincoln Crescent, Sydney,
  - (vi) part of Bathurst Street between Day Street and George Street, Sydney,
  - (vii) approximately 85 m of Day Street south of the prolongation of the northern side of Bathurst Street, Darling Harbour,
  - (viii) part of Day Street between a point approximately 85 m south of the northern side of Bathurst Street and Liverpool Street, Darling Harbour, and
- (b) the public roads shaded brown and shown as Lots 1–13 on the RMS plan marked “Plan No. 6010 412 SS 0007”, being the following:
  - (i) part of Kennedy Street for approximately 12 m east of Riley Street, Woolloomooloo,
  - (ii) part of Palmer Street between William Street and Robinson Street, Woolloomooloo,
  - (iii) part of Spence Lane immediately east of Palmer Street, Woolloomooloo,
  - (iv) approximately 9 m of Egan Lane approximately 13 m north of Spence Lane, Woolloomooloo,
  - (v) the whole of St Kilda Lane, Woolloomooloo,
  - (vi) part of Bourke Street between William Street and the north side of St Kilda Lane, Woolloomooloo,
  - (vii) part of Surrey Street between the south side of Craighend Street and Kings Cross Road, Darlinghurst,
  - (viii) part of Oswald Lane between the south side of Craighend Street and Kings Cross Road, Darlinghurst,
  - (ix) approximately 50 m of Craighend Street approximately 50 m west of Barcom Avenue, Darlinghurst,
  - (x) part of the road formerly known as Harford Place approximately 40 m west of Barcom Avenue, Darlinghurst,

- (xi) part of Bayswater Road between Kings Cross Road and Waratah Street, Darlinghurst,
- (xii) the whole of Wisdom Lane, Darlinghurst,
- (xiii) part of Sutton Lane adjacent to Wisdom Lane, Darlinghurst.

### **3 Lane Cove Tunnel**

RMS is declared to be the roads authority for the public roads shaded mustard and shown as Lots 1 and 2 on the RMS plan marked “Plan No. 6002 490 SS 0243”, being:

- (a) part of Epping Road that extends from the south eastern bank of the Lane Cove River to Mowbray Road West, Lane Cove West, and
- (b) part of Mowbray Road West that extends from Epping Road to a point approximately 290 m east of Epping Road, Lane Cove West.

### **4 Southern Cross Drive**

RMS is declared to be the roads authority for the public road shaded mustard and shown as Lot 1 on Sheets 1 and 2 of the RMS plan marked “Plan No. 0593 051 SS 0113”, being part of Southern Cross Drive between Wentworth Avenue, Eastlakes and Link Road, Zetland.

### **5 Sydney light rail**

RMS is declared to be the roads authority for the temporary public road at Randwick that is Lot 5, DP 1231447.

### **6 Alpine Way and Kosciuszko Road**

RMS is declared to be the roads authority for:

- (a) the public road shown as Lots 401–417, DP 1067711, Lots 501–522, DP 1067715, Lots 601–605, DP 1067724, Lot 701, DP 1067707, Lots 801–809, DP 1067709 and Lot 901, DP 1067730, being the Alpine Way within Kosciuszko National Park, and
- (b) the public road shown as Lots 101–107, DP 1067727, Lot 201, DP 1067728 and Lots 301–313, DP 1067729, being the Kosciuszko Road within Kosciuszko National Park.

### **7 Lake Hume Village**

RMS is declared to be the roads authority for the public road shown as Lots 2 and 3 in DP 1066273, being part of Bethanga Bridge, Lake Hume Village.

### **8 Barangaroo**

- (1) The Barangaroo Delivery Authority is declared to be the roads authority for the public roads shaded red on the RMS plan marked “Roads Authority Plan—Barangaroo” and dated 6 December 2010, being:
  - (a) that part of Hickson Road from the northern side of the intersection with Napoleon Street and Sussex Street in the south to the southern side of the Windmill Street overpass in the north, and
  - (b) that part of Napoleon Street from the intersection with Hickson Road and Sussex Street to the western side of the intersection with Kent Street, and
  - (c) that part of Sussex Street from and including the intersection with Napoleon Street and Hickson Road in the north to (and including) the intersection with Shelley Street in the south.
- (2) This clause ceases to have effect at the beginning of 31 January 2021.

## Schedule 2 Penalty notice offences

For the purposes of section 243 of the Act:

- (a) each offence specified in this Schedule is an offence for which a penalty notice may be issued, and
- (b) the amount payable under any such penalty notice is the amount specified in this Schedule for the offence.

<b>Column 1</b>	<b>Column 2</b>
<b>Offence</b>	<b>Amount of penalty</b>
<b>Part 1 Offences under the Act</b>	
Section 26 (1)	\$360
Section 70	\$360
Section 115 (4)	\$360
Section 122 (4)	\$749
Section 129 (2)	\$360
Section 130 (2)	\$360
Section 132 (1) and (2)	\$360
Section 133 (1) and (4)	\$360
Section 134 (1)	\$360
Section 136 (2)	\$360
Section 137 (1)	\$360
Section 138 (1)	\$360
Section 142 (1)	\$749
Section 157 (2)	\$360
Section 229 (5)	\$749
Section 239	\$360
Section 241	\$360
Section 250A (4)	\$1,375
<b>Part 2 Offences under this Regulation</b>	
Clause 6 (4)	\$541
Clause 8 (1) and (3)	\$541
Clause 9	\$360
Clause 10 (1)	\$360
Clause 10 (2)	\$541
Clause 11	\$360
Clause 12	\$541
Clause 13	\$541
Clause 14 (1)	\$749
Clause 15	\$749

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# public consultation draft

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Roads Regulation 2018 [NSW]  
Schedule 2 Penalty notice offences

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<b>Column 1</b>	<b>Column 2</b>
<b>Offence</b>	<b>Amount of penalty</b>
Clause 16	\$360
Clause 17	\$541
Clause 18	\$360
Clause 19 (1)	\$180
Clause 20	\$360
Clause 27 (1)	\$360
Clause 28 (1)	\$360
Clause 29 (1)	\$541
Clause 30	\$360
Clause 31	\$541
Clause 32	\$360
Clause 34 (2)	\$541
Clause 35 (3)	\$541
Clause 40 (1) and (2)	\$749
Clause 41 (1) and (2)	\$749
Clause 42	\$749
Clause 43	\$541
Clause 44	\$749
Clause 45 (2)	\$180
Clause 46 (2)	\$541
Clause 47	\$360
Clause 48 (1)	\$180
Clause 50	\$360
Clause 51 (1) and (3)–(5)	\$360
Clause 56 (3)	\$180
Clause 58	\$180
Clause 59	\$360
Clause 60 (1) and (2)	\$360
Clause 61 (1)	\$180
Clause 62 (2)	\$360
Clause 63	\$360
Clause 64	\$360
Clause 65 (3)	\$360
Clause 66 (1) and (2)	\$360
Clause 70	\$360
Clause 71	\$360

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