

**STATE ROADS (SYDNEY HARBOUR TUNNEL)
AMENDMENT ACT 1987 No. 50**

NEW SOUTH WALES



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SCHEDULE 1—AMENDMENTS TO THE STATE ROADS ACT 1986

STATE ROADS (SYDNEY HARBOUR TUNNEL) AMENDMENT ACT
1987 No. 50

NEW SOUTH WALES



Act No. 50, 1987

An Act to amend the State Roads Act 1986 as a consequence of the enactment of the Sydney Harbour Tunnel (Private Joint Venture) Act 1987 and the repeal of the Sydney Harbour Bridge (Administration) Act 1932.
[Assented to 28 May 1987]

State Roads (Sydney Harbour Tunnel) Amendment 1987

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the "State Roads (Sydney Harbour Tunnel) Amendment Act 1987".

Amendment of Act No. 85, 1986

2. The State Roads Act 1986 is amended in the manner set forth in Schedule 1.

SCHEDULE 1

(Sec. 2)

AMENDMENTS TO THE STATE ROADS ACT 1986**(1) Section 2 (Interpretation)—**

Section 2 (1), definitions of "Sydney Harbour Bridge", "Sydney Harbour Tunnel"—

After the definition of "statutory authority", insert:

"Sydney Harbour Bridge" means—

- (a) the works authorised by, or constructed under, the Sydney Harbour Bridge Act 1922; and
- (b) the works authorised by, or constructed under, Part II of the Sydney Harbour Bridge (Further Works) and Main Roads (Amendment) Act 1960;

"Sydney Harbour Tunnel" means the works authorised by, or constructed under, the Sydney Harbour Tunnel (Private Joint Venture) Act 1987;

(2) Section 4 (Declaration of classes of roads and works)—**(a) Section 4 (1) (e)—**

Omit "or road ferry", insert instead "road ferry or tunnel".

*State Roads (Sydney Harbour Tunnel) Amendment 1987***SCHEDULE 1—continued****AMENDMENTS TO THE STATE ROADS ACT 1986—continued****(b) Section 4 (7)—**

After section 4 (6), insert:

(7) The Sydney Harbour Bridge is declared to be a main road.

(3) Section 18 (Work on roads other than classified roads)—**Section 18 (1)—**

Omit “and ferry”, insert instead “, ferry and tunnel”.

(4) Section 35 (Bridge, ferry and tunnel tolls and charges)—**(a) Section 35 (1), (3), (4)—**

Omit “or ferry” wherever occurring, insert instead “, ferry or tunnel”.

(b) Section 35 (2)—

After “ferry”, insert “or through a tunnel”

(c) Section 35 (4) (a)—

After “charges”, insert “(other than tolls or charges on the Sydney Harbour Bridge)”.

(d) Section 35 (5)–(8)—

After section 35 (4), insert:

(5) The Commissioner may, by order published in the Gazette, fix the amount of the tolls and charges to be levied in connection with traffic across the Sydney Harbour Bridge.

(6) Such an order shall take effect—

(a) on the date on which it is published in the Gazette; or

(b) on such later date as may be specified in the order.

(7) In fixing the amount of the tolls and charges to be levied in connection with traffic across the Sydney Harbour Bridge, the Commissioner shall have regard to movements in the Consumer Price Index.

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(8) The reference in subsection (7) to the Consumer Price Index is a reference to—

- (a) the index known as the “Weighted Average of Eight Capital Cities: All Groups Consumer Price Index” that is published quarterly by the Australian Bureau of Statistics; or
- (b) if that index is no longer published by the Australian Bureau of Statistics—such other index as may be prescribed by the regulations for the purposes of this paragraph.

(5) Section 36 (Transfer of certain works to Commissioner)—

Section 36 (1)—

Omit “or ferry” wherever occurring, insert instead “, ferry or tunnel”.

(6) Section 37 (Border roads, bridges, ferries and tunnels)—

Section 37 (a)—

Omit “and ferries”, insert instead “, ferries and tunnels”.

(7) Section 46 (Declaration of toll work)—

Section 46—

After “motor traffic”, insert “within Sydney, Newcastle or Wollongong.”.

(8) Section 64 (Abandoned vehicles)—

Section 64 (1)—

Omit the subsection, insert instead:

(1) If a vehicle standing—

- (a) on a road, or on land along or near the line of a road;
- (b) on land vested in the Commissioner; or

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(c) on a bridge or ferry, or in a tunnel, vested in or subject to the administration or control of the Commissioner,

is an abandoned vehicle, an authorised officer may take custody of the vehicle and cause it to be destroyed or otherwise disposed of in accordance with this section.

(9) Section 74 (Composition of Metropolitan Roads Fund)—**(a) Section 74 (1) (f1)—**

After section 74 (1) (f), insert:

(f1) contributions by the State Rail Authority and the Urban Transit Authority under section 79A;

(b) Section 74 (1) (i)—

After “ferry”, insert “, tunnel”.

(c) Section 74 (1) (j)—

Omit “or ferry”, insert instead “, ferry or tunnel”.

(d) Section 74 (1) (l1)—

After section 74 (1) (l), insert:

(l1) any money transferred to the Fund under clause 2 of Schedule 2 to the Miscellaneous Acts (Sydney Harbour Tunnel) Repeal and Amendment Act 1987;

(e) Section 74 (4)—

After section 74 (3), insert:

(4) The reference in subsection (1) (i) to money received from tolls, fees and charges in connection with any bridge, ferry, tunnel or other thing within the metropolitan area does not include a reference to such part of the money received from tolls and charges in connection with the Sydney Harbour Bridge as is payable to the Traffic Facilities Fund under section 23 (d) of the Traffic Authority Act 1976.

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SCHEDULE 1—*continued*AMENDMENTS TO THE STATE ROADS ACT 1986—*continued*

(10) Section 75 (Use of Metropolitan Roads Fund)—

Section 75 (7), (8)—

After section 75 (6), insert:

(7) Money paid into the Metropolitan Roads Fund that represents—

- (a) contributions by the State Rail Authority and the Urban Transit Authority under section 79A;
- (b) money received from tolls and charges in connection with the Sydney Harbour Bridge; and
- (c) money transferred to the Fund under clause 2 of Schedule 2 to the Miscellaneous Acts (Sydney Harbour Tunnel) Repeal and Amendment Act 1987,

may be used only—

- (d) for the purposes referred to in section 80 (1) in respect of the Sydney Harbour Bridge and the Sydney Harbour Tunnel;
- (e) for the payment of such amounts as the Minister may from time to time determine (not exceeding 75 per cent of the actual costs incurred by the State Rail Authority) for the maintenance of the steelwork supporting that part of the Circular Quay Overhead Railway that is between Harrington Street and Macquarie Street; and
- (f) for the payment of such amounts as are necessary to meet the obligations imposed on the State under the Ensured Revenue Stream Agreement, and on the Commissioner under the Net Bridge Revenue Loan Agreement, within the meaning of the Sydney Harbour Tunnel (Private Joint Venture) Act 1987.

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SCHEDULE 1—*continued*AMENDMENTS TO THE STATE ROADS ACT 1986—*continued*

(8) For the purposes only of subsection (7) (d), the Sydney Harbour Bridge and the Sydney Harbour Tunnel shall be taken to be a single toll work.

(11) Section 79A—

After section 79, insert:

Contributions by the State Rail Authority and the Urban Transit Authority

79A. The State Rail Authority and the Urban Transit Authority shall each pay to the Commissioner such amounts as the Commissioner may from time to time determine as contributions in relation to the carriage of passengers across the Sydney Harbour Bridge by those Authorities.

(12) Section 86 (Reserves for loan repayment)—

(a) Section 86 (1) (a)—

After “Fund;” insert “and”.

(b) Section 86 (1) (b)—

Omit “Fund; and”, insert instead “Fund,.”.

(c) Section 86 (1) (c)—

Omit the paragraph.

(d) Section 86 (2)—

Omit “or the Sydney Harbour Bridge Account”.

(e) Section 86 (3)—

Omit the subsection.

*State Roads (Sydney Harbour Tunnel) Amendment 1987***SCHEDULE 1—continued****AMENDMENTS TO THE STATE ROADS ACT 1986—continued****(13) Sections 100A, 100B—**

After section 100, insert:

Owner's liability for certain offences**100A. (1) In this section—**

“driving offence” means the offence committed by a person who contravenes a provision of this Act or the regulations for or with respect to—

- (a) the driving, using, standing, waiting or parking of vehicles; or
- (b) the failure or refusal to pay any toll or charge payable in respect of vehicles using any bridge, ferry, tunnel or toll work.

(2) When a driving offence occurs, the person who, at the time of the occurrence of the offence, is the owner of the vehicle to which the offence relates is, by virtue of this section, guilty of an offence under the provision of this Act or the regulations relating to the driving offence in all respects as if the person were the actual offender guilty of the driving offence unless—

- (a) in any case where the offence is dealt with under section 100B, the owner satisfies the prescribed officer under that section that the vehicle was, at the relevant time, a stolen vehicle or a vehicle illegally taken or used; or
- (b) in any other case, the court is satisfied that the vehicle was, at the relevant time, a stolen vehicle or a vehicle illegally taken or used.

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(3) Nothing in this section affects the liability of an actual offender in respect of a driving offence but, if a penalty has been imposed on, or recovered from, any person in relation to any driving offence, no further penalty shall be imposed on or recovered from any other person in relation to that offence.

(4) Notwithstanding anything in subsection (2) or (3), no owner of a vehicle is, by virtue of this section, guilty of an offence if—

(a) in any case where the offence is dealt with under section 100B, the owner—

(i) within 21 days after service on the owner of a notice under section 100B alleging that the owner has been guilty of the offence, supplies by statutory declaration to the prescribed officer under that section the name and address of the person who was in charge of the vehicle at all relevant times relating to the driving offence concerned; or

(ii) satisfies that prescribed officer that the owner did not know and could not with reasonable diligence have ascertained that name and address; or

(b) in any other case, the owner—

(i) within 21 days after service on the owner of a summons in respect of the offence, supplies by statutory declaration to the informant the name and address of the person who was in charge of the vehicle at all relevant times relating to the driving offence concerned; or

(ii) satisfies the court that the owner did not know and could not with reasonable diligence have ascertained that name and address.

(5) A statutory declaration that relates to more than one driving offence shall be deemed not to be a statutory declaration supplying a name and address for the purposes of subsection (4).

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(6) If a statutory declaration supplying the name and address of a person for the purposes of subsection (4) is produced in any proceedings against that person in respect of the driving offence to which the statutory declaration relates, the statutory declaration is evidence that that person was, at all relevant times relating to that driving offence, in charge of the vehicle to which the driving offence relates.

(7) The provisions of this section shall be construed as supplementing, and not as derogating from, any other provision of this Act or the regulations or any other Act or regulation, by-law or ordinance under any other Act.

Penalty notices for certain offences

100B. (1) If it appears to a member of the police force or a prescribed officer that any person has committed, or by virtue of section 100A is guilty of, any driving offence (within the meaning of that section) prescribed for the purposes of this section, the member of the police force or prescribed officer may serve a notice on that person to the effect that if that person does not desire to have the matter determined by a court, that person may pay to an officer specified in the notice within the time so specified an amount of penalty prescribed for that offence if dealt with under this section.

(2) Any notice under subsection (1)—

- (a) may be served personally or by post; or
- (b) if it relates to an offence of which the owner of a vehicle is guilty by virtue of section 100A, may be addressed to the owner without naming the owner or stating the owner's address and may be served by leaving it on or attaching it to the vehicle.

(3) Any person alleged to have committed or be guilty of an offence to which subsection (1) applies has the right to decline to be dealt with under this section.

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(4) Any person who fails to pay the penalty within the time specified in the notice given to that person under subsection (1) or within such further time as may in any particular case be allowed shall be deemed to have declined to be dealt with under this section.

(5) If the amount of any prescribed penalty for an alleged offence is paid pursuant to this section, no person is liable to any further proceedings for the alleged offence.

(6) Payment of a penalty pursuant to this section shall not be regarded as an admission of liability for the purposes of, nor in any way affect or prejudice, any civil claim, action or proceeding arising out of the same occurrence.

(7) The regulations may—

(a) prescribe the offences which shall be prescribed offences for the purposes of this section by setting out the offences or by a reference to the provision of this Act or the regulations creating the offence;

(b) prescribe the amount of penalty payable under this section for any prescribed offence;

(c) for the purposes of this section, prescribe different amounts of penalties for different offences or classes of offences or for offences or classes of offences having regard to the circumstances thereof; and

(d) prescribe the persons or classes of persons who shall be prescribed officers for the purposes of this section.

(8) No penalty prescribed under this section for any offence shall exceed any maximum amount of penalty which could be imposed for the offence by a court.

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SCHEDULE 1—*continued*AMENDMENTS TO THE STATE ROADS ACT 1986—*continued*

(9) The provisions of this section shall be construed as supplementing, and not as derogating from, any other provision of this Act or the regulations or any other Act or regulation, by-law or ordinance under any other Act in relation to proceedings which may be taken in respect of offences.