

1992—No. 620

STATE ROADS ACT 1986—REGULATION

(Relating to tolls and charges and to the Sydney Harbour Bridge)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the State Roads Act 1986, has been pleased to make the Regulation set forth hereunder.

WAL MURRAY,
Minister for Roads.

Commencement

1. This Regulation commences on 27 November 1992.

Amendment of State Roads (Toll Works) Regulation 1988

2. The State Roads (Toll Works) Regulation 1988 is amended:

- by omitting the definition of “authorised officer” from clause 3 and by inserting instead the following definition:

“**authorised officer**” means an officer of the Authority authorised by the Authority for the purposes of this Regulation;
- by inserting at the end of the heading to Part 3 the words “AND CHARGES”;
- by omitting clause 8 (2) and (3) and by inserting instead the following subclauses:
 - (2) A direction referred to in subclause (1) (b) is (unless the Authority otherwise directs) given subject to the condition that the driver of the motor vehicle pay the prescribed toll to the Authority within 7 days after the direction is given.

(3) A person to whom a condition referred to in subclause (1) (b) has been given (being a direction that has been given subject to the condition referred to in subclause (2)) must not fail to pay the prescribed toll in accordance with the condition.

Penalty: \$100.

(d) by omitting from clauses 9 (1) (c), 28 and 29 (1) (a) the word “Commissioner” wherever occurring and by inserting instead the word “Authority”;

(e) by inserting after clause 9 the following clauses:

Charge payable by owner of vehicle if toll regularly not paid at barrier

9A. The charge payable by the owner of a motor vehicle referred to in item 1 of Schedule 1 in respect of which:

(a) a direction referred to in clause 8 (1) (b) is given to the driver on a second or subsequent occasion in any period of 6 months (whether or not it is the same driver on each occasion); and

(b) the directions are given in respect of the same toll work; and

(c) the directions are given subject to the condition referred to in clause 8 (2),

is \$10.

Penalty for not paying charge

9B. If a charge payable in regard to a toll work by the owner of a motor vehicle is not paid to the Authority on demand and within the time specified in the demand, the owner concerned is guilty of an offence.

Penalty: \$100.

(f) by inserting after Part 3 the following Part:

PART 3A—SYDNEY HARBOUR BRIDGE

Regulation applies to Harbour Bridge

9C. This Regulation (except Part 2, clauses 6 and 9A and Schedule 1) applies to and in respect of the Sydney Harbour Bridge in the same way as it applies to and in respect of a toll work, and so applies as if a toll or charge fixed by order under section 35 (5) of the Act were a prescribed toll or charge.

Regulation of commercial activities etc.

9D. (1) A person must not, while on the Sydney Harbour 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 the Authority.

Penalty: \$500 for a first offence and \$1,000 for a second or subsequent offence.

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

(g) by inserting in Schedule 2 in numerical order the following matter:

Clause 9B 100

Repeal of State Roads (Sydney Harbour Bridge) Regulation 1988

3. The State Roads (Sydney Harbour Bridge) Regulation 1988 is repealed.

EXPLANATORY NOTE

The object of this Regulation is to amend the State Roads (Toll Works) Regulation 1988 so as to make provision within that Regulation for certain matters relating to the payment of tolls and charges levied in connection with traffic crossing the Sydney Harbour Bridge and for the prohibition of particular commercial activities on the Bridge. The State Roads (Sydney Harbour Bridge) Regulation 1988 is consequently repealed. (At present, the matters concerned are dealt with under the latter Regulation, which applies the relevant provisions of the State roads (Toll Works) Regulation 1988 to the Bridge.) The Regulation also replaces references to and Main Roads with references to the Roads and Traffic Authority.

The Regulation also specifies the amount (\$10) of the charge that is to be paid by the owners of certain vehicles using a toll work (and makes the person who is liable for the charge guilty of an offence if it is not paid.) The vehicles concerned are those whose drivers are allowed to defer payment of a toll (because they reached the toll barrier without sufficient cash to pay the toll) more than once in any 6 months.

The power to make the Regulation is derived from several different sections of the State Roads Act 1986. Tolls and charges in relation to toll works in general (such as the toll work between Waterfall and Bulli Pass) are covered by section 49, which provides that the Roads and Traffic Authority “may levy, and collect as prescribed, the prescribed tolls and charges in connection with traffic using a toll work”. The power to levy tolls and charges in respect of the Sydney Harbour Bridge (which is not a toll work as defined in the Act) is to be found in section 35 (2), which permits the Authority (with the approval of the Governor) to “levy tolls and charges in connection with traffic across a bridge or ferry or through a tunnel”. However, the latter power does not extend to the fixing of the amount of the tolls or charges relating to the Sydney Harbour Bridge: those amounts can be fixed only “by order published in the Gazette” (section 35 (5) of the Act). Accordingly, neither the amount of the toll for using the Bridge nor the proposed extension of the \$10 charge to owners in the case of the Bridge appears in the Regulation.

The power to make regulations in respect of the Bridge (for example, specifying the manner in which a toll is to be paid or prohibiting commercial activities) is contained in section 35 (4) (c) of the Act, which allows the regulations to make provision for or with respect to “the regulation, restriction or suspension of the use by the public of a bridge, ferry or tunnel”.
