

1993—No. 17

## TRAFFIC ACT 1909—REGULATION

(Relating to certain parking offences committed in free council car parks and on public streets)

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.

WALLACE T. J. MURRAY, M.P.,  
Minister for Roads.

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### Commencement

1. This Regulation commences on 1 February 1993.

### Amendments

2. The Motor Traffic Regulations 1935 are amended:

- (a) by inserting in Regulation 130A (1) (d) after the matter “Ordinance No. 34A” the matter “or 34C”;
- (b) by inserting after Regulation 130A (1) (f1) the following paragraph:
  - (f2) an employee of a council of a local government area who is an authorised officer, within the meaning of section 8G of the Environmental Offences and Penalties Act 1989, in respect of an offence arising under section 8F of that Act is a prescribed officer in respect of any offence under Ordinance No. 34C under the Local Government Act 1919;

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(c) by inserting in Table B of Part 2 of Schedule K after paragraph (b)  
 (v) of the matter relating to Regulation 54 (7) the following  
 subparagraph:

(vi) where the offence is standing or waiting contrary  
 to a “disabled person” sign (that is, a traffic  
 control sign displaying a symbol described in  
 Regulation 54 (6) (m1)) ..... 112

(d) by inserting at the end of Part 7 of Schedule K the following  
 matter:

Ordinance No. 34C:

Any offence under the Ordinance (other than an offence under clause 5 (c)) .....	50
Any offence under clause 5 (c) .....	112

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**EXPLANATORY NOTE**

**Amendments relating to parking offences committed in free council car parks**

The Traffic Act 1909 was recently amended to enable penalty notices (previously issued under the Local Government Act 1919) to be issued under the Traffic Act 1909 in respect of offences against Ordinance No. 34C under the Local Government Act 1919. That Ordinance deals with parking offences committed in free council car parks (e.g. standing in a free parking area provided by a council for longer than the maximum period allowed or standing in a space designated for use by disabled persons).

The effect of the amendment is that section 18C of the Traffic Act 1909 will now apply to these offences so that failure to pay the penalty imposed by a penalty notice can result in cancellation of the offender’s driver’s licence or vehicle registration.

The main object of this Regulation is to amend the Motor Traffic Regulations 1935 so as:

- (a) to enable certain employees of councils to be prescribed officers for the purpose of issuing penalty notices for these offences; and
- (b) to prescribe the amounts of penalty for these offences if dealt with by penalty notice.

**Amendment relating to certain parking offences on public streets**

Clause 2 (c) of the proposed Regulation amends the Motor Traffic Regulations 1935 so that the amount of penalty for standing a motor vehicle on a public street contrary to a “disabled person” sign when dealt with by penalty notice is \$112.

**1993—No. 17**

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The effect of this amendment is that the amount of penalty for parking offences dealt with by penalty notice in respect of spaces reserved for disabled persons will be the same whether committed on a public street or in a free council car park.