



New South Wales

# Royal Botanic Gardens and Domain Trust Amendment (Parking and Penalty Notices) Regulation 1997

under the

Royal Botanic Gardens and Domain Trust Act 1980

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Royal Botanic Gardens and Domain Trust Act 1980*.

PAM ALLAN, M.P.,

Minister for the Environment

## Explanatory note

The objects of this Regulation are:

- (a) to increase the maximum penalties under the *Royal Botanic Gardens and Domain Trust Regulation 1992* from \$200 to \$500 (5 penalty units) in accordance with the recent amendment to section 22 of the *Royal Botanic Gardens and Domain Trust Act 1980* effected by the *Royal Botanic Gardens and Domain Trust Amendment Act 1996 (the 1996 amending Act)* (Schedule 1 [1]), and
- (b) to enable the Royal Botanic Gardens and Domain Trust to establish and operate a parking meter scheme (similar to parking meter schemes established by councils under the *Traffic Act 1909*) on public streets within the Domain (Schedule 1 [2]), and
- (c) to enable certain offences under the *Royal Botanic Gardens and Domain Trust Regulation 1992* to be dealt with by way of penalty notices (Schedule 1 [3] and [4]).

This Regulation is made under the *Royal Botanic Gardens and Domain Trust Act 1980*, including section 22 (the general regulation making power) and new sections 22A and 22B, inserted by the 1996 amending Act.

## **1997 No 165**

Clause 1 Royal Botanic Gardens and Domain Trust Amendment (Parking and Penalty Notices) Regulation 1997

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# **Royal Botanic Gardens and Domain Trust Amendment (Parking and Penalty Notices) Regulation 1997**

## **1 Name of Regulation**

This Regulation is the *Royal Botanic Gardens and Domain Trust Amendment (Parking and Penalty Notices) Regulation 1997*.

## **2 Commencement**

This Regulation commences on 29 April 1997.

## **3 Amendment**

The *Royal Botanic Gardens and Domain Trust Regulation 1992* is amended as set out in Schedule 1.

## **4 Notes**

The explanatory note does not form part of this Regulation.

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## Schedule 1 Amendments

(Clause 3 )

### [1] **Clauses 6 (2), 7 (1), 8, 9 (1), 10 (1), 11 (1), 12 (1), 13, 14 (1), 15 (2), 16 (1) and 17 (1)**

Omit “\$200” wherever occurring.  
Insert instead “5 penalty units”.

### [2] **Part 2A**

Insert after Part 2:

#### **Part 2A Parking on public streets**

##### **Division 1 Preliminary**

##### **14A Definitions** (see Regulation 91C of the Motor Traffic Regulations 1935)

In this Part:

***controlled parking hours***, in relation to a metered space, means the periods, as set out on the relevant traffic control signs, during which a motor vehicle may not be parked in the space unless the relevant parking fee has been paid.

***council*** means the council of a local government area.

***metered parking zone*** means a zone designated as a metered parking zone, as referred to in clause 14C.

***metered space*** means any part of a public street:

- (a) at which a parking meter is installed or which is identified as a space or spaces to which a parking meter applies, and
- (b) which has been marked by painted lines, studs, pads, plates or strips for the purpose of indicating where a vehicle may park on payment of a fee.

***mobility parking scheme authority*** has the same meaning as it has in the *Motor Traffic Regulations 1935*.

***multi-space parking meter*** means a parking meter that applies to more than one metered space.

***parking meter*** means a device designed to indicate or capable of indicating whether the fee determined by the Trust in respect of any vehicle parking in a metered space to which the device applies has been paid, and includes the stand on which such a device is erected.

***period parking sign*** means a traffic control sign of the kind referred to in Regulation 54 (6) (a1) of the *Motor Traffic Regulations 1935*.

***relevant parking fee***, in relation to the parking of a motor vehicle in a metered space, means the fee for parking a motor vehicle in the space, for the day and time during which the vehicle is parked in the space, as indicated on the parking meter for the space.

***RTA*** means the Roads and Traffic Authority.

## **Division 2 Metered parking**

### **14B Parking meters** (see section 10R of the Traffic Act 1909)

- (1) The Trust may do all or any of the following:
  - (a) provide, in accordance with guidelines issued by the RTA for the provision of metered spaces, metered spaces in any public street in the Trust lands,
  - (b) install a parking meter in respect of any such metered space or spaces in accordance with this clause,
  - (c) demand and recover in respect of any vehicle parking in any such metered space such fees as it may fix by resolution.
- (2) Parking meters may be installed only at the space to which they apply or, if one parking meter applies to more than one space, in the immediate vicinity of those spaces.

- (3) The RTA may issue written guidelines to the Trust as to the provision of metered spaces.
- (4) The RTA may from time to time amend and revoke any such guidelines.

**14C Metered parking zones** (see Regulation 91D of the Motor Traffic Regulations 1935)

- (1) The Trust may set aside the whole or any part of one or more public streets in the Trust lands as a metered parking zone.
- (2) A metered parking zone must be designated by period parking signs, on which the word "METER" is added, situated along the public street or streets.

**14D Trust to fix fees** (see Regulation 91E of the Motor Traffic Regulations 1935)

- (1) For each metered space within the Trust lands, the Trust must fix the fee payable for parking a motor vehicle in the space.
- (2) Different fees may be fixed for different metered spaces and for different days and different times of day.

**14E Parking meters** (see Regulation 91F of the Motor Traffic Regulations 1935)

- (1) The parking meter for a metered space must indicate:
  - (a) the fees fixed for the space under this Division, and
  - (b) the way in which the fees are to be paid, and
  - (c) if payment is by means of coins, the denomination of coins to be used in the meter.
- (2) A parking meter must clearly show the status of the metered space or spaces that it controls and, in the case of a multi-space parking meter, must identify each metered space by its number.

**14F Metered spaces controlled by multi-space parking meter** (see Regulation 91G of the Motor Traffic Regulations 1935)

In the case of a metered space controlled by a multi-space parking meter, the number for the space and an arrow indicating the direction of the meter must be marked in or adjacent to the space.

**14G Use of parking meters for parking in metered parking zones** (see Regulation 91H of the Motor Traffic Regulations 1935)

- (1) A person must not park a motor vehicle in a metered parking zone except in a metered space.  
Maximum penalty: 5 penalty units.
- (2) A person must not park a motor vehicle in a metered space without paying the relevant fee for the space for at least the minimum period of time for which parking in the space must be paid.  
Maximum penalty: 5 penalty units.
- (3) A person does not commit an offence under subclause (2) if the person parks a motor vehicle in a metered space before paying the relevant fee, so long as the person pays the relevant fee immediately after parking the vehicle.
- (4) The driver of a motor vehicle must not allow the vehicle to remain parked in a metered space if the parking meter for the space indicates that the period of time for which parking in the space has been paid has expired.  
Maximum penalty: 5 penalty units.
- (5) A person does not commit an offence against this clause if the parking meter for the metered space is not working.
- (6) This clause:
  - (a) does not apply to a metered parking space outside the controlled parking hours for the space, and
  - (b) does not apply to a motor vehicle displaying a current mobility parking scheme authority.

**14H Parking in metered parking spaces** (see Regulation 91I of the Motor Traffic Regulations 1935)

A person must not park a motor vehicle in a metered space:

- (a) while any other vehicle is parked in the space, or
- (b) in such a manner that any part of the vehicle lies over the markings for the space.

Maximum penalty: 5 penalty units.

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**14I Temporary closure of metered spaces** (see Regulation 91J of the Motor Traffic Regulations 1935)

- (1) If the Trust decides that the use of a metered space should be temporarily discontinued, a sign displaying words to that effect may be erected in or near the space.
- (2) A person must not park a motor vehicle in a metered space to which such a sign relates.

Maximum penalty: 5 penalty units.

**14J Misuse of parking meters** (see Regulation 91K of the Motor Traffic Regulations 1935)

A person must not:

- (a) insert in a parking meter anything other than coins or other means of payment, as specified on the meter, or
- (b) deface any parking meter or affix anything (such as advertising matter) to any parking meter.

Maximum penalty: 5 penalty units.

**14K Damage to, and interference with, parking meters** (see section 10S of the Traffic Act 1909)

A person must not:

- (a) damage a parking meter, or
- (b) do or cause to be done any act which interferes or is likely to interfere with the proper working of a parking meter, or
- (c) fraudulently operate a parking meter.

Maximum penalty: 5 penalty units.

**Division 3 General**

**14L Trailers not separately chargeable** (see Regulation 91FF of the Motor Traffic Regulations 1935)

Nothing in this Part requires a separate parking fee to be paid for a trailer drawn by another motor vehicle.

**14M Powers of police in emergency** (see section 10VB of the Traffic Act 1909)

- (1) A police officer may, during a temporary obstruction or danger to traffic or in an emergency:
  - (a) direct a person not to cause or permit any vehicle to park in a metered space, or
  - (b) direct the owner or driver of a vehicle parking or standing in any such space to remove the vehicle from the space, or
  - (c) if no person appears to be in charge of a vehicle standing in any such space, remove the vehicle from the space.
- (2) A person must not, without reasonable excuse, fail to comply with the direction of a police officer under this clause.

Maximum penalty: 5 penalty units.

**14N Application of money from parking** (see section 10VC of the Traffic Act 1909)

- (1) The costs of administering this Part in relation to the Trust lands are to be borne by the Trust.
- (2) Those costs are taken to include the following:
  - (a) the cost of providing, controlling, maintaining and regulating metered spaces and the parking meters installed in respect of those spaces,
  - (b) the cost of providing and maintaining signs or other devices and marking lines to indicate the position of metered spaces or to indicate the places in any public street in the Trust lands where a vehicle (other than a public vehicle) may stop or park.

**14O Disputes** (see section 10VD of the Traffic Act 1909)

Any dispute arising under this Part between the Trust and the RTA is to be resolved by consultation between:

- (a) the Minister administering the *Royal Botanic Gardens and Domain Trust Act 1980*, and
- (b) the Minister administering the *Traffic Act 1909*, or, if agreement cannot be reached, by the Premier.



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**14P This Part not to affect operation of other provisions** (see section 10W of the Traffic Act 1909)

Nothing in this Part affects the operation of any provision of the *Traffic Act 1909* by or under which functions in relation to the control of traffic are conferred or imposed on the Commissioner of Police or the RTA.

**[3] Clauses 19A, 19B, 19C**

Insert after clause 19:

**19A Prescribed officer: section 22A (2)**

For the purposes of section 22A (2) (a) of the Act, the Director is a prescribed officer to whom a statutory declaration referred to in that paragraph may be supplied.

**19B Penalty notice offences: section 22B**

For the purposes of section 22B of the Act:

- (a) police officers and rangers are prescribed as officers by whom notices under that section may be served, and
- (b) the prescribed penalty for an offence created by a provision specified in Column 1 of Schedule 1 is the amount specified in Column 3 of that Schedule.

**19C Short description of offences**

- (1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence created by a provision specified in Column 1 of Schedule 1 is:
  - (a) the expression specified in Column 2 of that Schedule, or
  - (b) if a choice of words is indicated in that expression, the words remaining after the omission of the words irrelevant to the offence.

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- (2) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of Schedule 1, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.
- (3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used, and any such document continues to have effect as if that expression had not been amended or repealed.
- (4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

### [4] Schedule 1

Insert at the end of the Regulation:

#### **Schedule 1 Penalty notice offences**

(Clauses 19A and 19B)

Column 1	Column 2	Column 3
Clause 6 (2)	enter Trust lands contrary to direction	\$50
Clause 7 (1) (a)	camp/reside in Trust lands .....	\$75
Clause 7 (1) (b)	erect/occupy/cause to be erected/ occupied/building/tent/screen/awning/ structure/thing .....	\$100
Clause 8 (a)	bring/deposit in Trust lands refuse/ rubbish/Industrial waste .....	\$200
Clause 8 (b)	abandon vehicle in Trust lands .....	\$200

Column 1	Column 2	Column 3
Clause 8 (c)	leave in Trust lands litter/bottle/broken glass/china/pottery/plastic/rubbish/refuse/waste material .....	\$200
Clause 8 (d)	deposit/allow to escape in Trust lands oil/product/hot liquid .....	\$200
Clause 9 (1) (a)	damage lawn/playing field/green .....	\$75
Clause 9 (1) (b)	remove/uproot/climbn/damage/remove part of tree/vegetation .....	\$75
Clause 9 (1) (c)	remove dead timber/log/stump .....	\$75
Clause 9 (1) (d)	deface rock/dig up soil/sand/stone/substance.....	\$75
Clause 9 (1) (e)	damage/deface/interfere with Trust lands/anything in Trust lands .....	\$75
Clause 9 (1) (f)	destroy/capture/injure/interfere with animal.....	\$75
Clause 9 (1) (g)	destroy/interfere with animal habitat ...	\$75
Clause 10 (1) (a)	operate model aircraft/boat/thing .....	\$50
Clause 10 (1) (b)	land aircraft/hang-glider/hot air balloon/parachute.....	\$100
Clause 10 (1) (c)	ride on/use skateboard/roller skates/apparatus.....	\$50
Clause 10 (1) (d)	fly kite .....	\$50
Clause 10 (1) (e)	operate radio/cassette player/record player/instrument at high volume .....	\$50
Clause 10 (1) (f)	operate/use loudspeaker/public address system/apparatus.....	\$75
Clause 10 (1) (g)	jog otherwise than on road/path/circuit	\$50
Clause 10 (1) (h)	play/practise golf .....	\$50
Clause 10 (1) (i)	bathe/wade/wash/swim in lake/pond/stream/water.....	\$50
Clause 10 (1) (j)	improper use of drinking fountain .....	\$50
Clause 10 (1) (k)	light fire .....	\$75
Clause 10 (1) (l)	discharge fireworks .....	\$50

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Column 1	Column 2	Column 3
Clause 11 (1) (a)	collect/attempt to collect money .....	\$75
Clause 11 (1) (b)	sell/attempt to sell/hire/expose for sale/ hire/solicit for sale/hire printed matter/ food/goods/services.....	\$75
Clause 11 (1) (c)	conduct/cause/assist operation of amusement/entertainment/instruction/ performance .....	\$75
Clause 11 (1) (d)	commercial use of television/video/ film/photographic equipment .....	\$100
Clause 11 (1) (e)	display/distribute advertising matter/ sign/bill/poster/printed matter .....	\$50
Clause 12 (1) (a)	cause/permit vehicle to stand/park on lawn/grass/parkland/garden/path/contrary to sign .....	\$75
Clause 12 (1) (b)	drive/ride vehicle otherwise than on road/contrary to sign .....	\$75
Clause 13 (a)	obstruct person working .....	\$100
Clause 13 (b)	fail to comply with direction of ranger/ Trust staff/police officer .....	\$100
Clause 14 (1)	fail to comply with direction to leave Trust lands .....	\$75
Clause 14G (1)	park motor vehicle outside metered space .....	\$75
Clause 14G (2)	park motor vehicle without paying relevant parking fee .....	\$75
Clause 14G (4)	park motor vehicle beyond expiry of time paid for .....	\$75
Clause 14H (a)	park motor vehicle in occupied metered space .....	\$75
Clause 14H (b)	park motor vehicle across line markings of metered space .....	\$75
Clause 14I (2)	park motor vehicle in discontinued metered space .....	\$75
Clause 14J (a)	insert anything but proper coins into parking meter .....	\$75
Clause 14J (b)	deface/affix anything to parking meter	\$75

Column 1	Column 2	Column 3
Clause 14K (a)	damage parking meter .....	\$75
Clause 14K (b)	do/cause to be done anything to interfere with parking meter .....	\$75
Clause 14K (c)	fraudulently operate parking meter .....	\$75
Clause 14M (2)	fail to comply with direction of police officer as to use of metered space .....	\$100
Clause 15 (2)	enter/remain in Gardens when closed ..	\$50
Clause 16 (1) (a)	bring vehicle into Gardens otherwise than by road .....	\$75
Clause 16 (1) (b)	bring into Gardens/permit to remain in Gardens any animal .....	\$50
Clause 16 (1) (c)	address function/public meeting/ demonstration/gathering in Gardens .....	\$75
Clause 16 (1) (d)	fish in ponds of Gardens .....	\$50
Clause 16 (1) (e)	fish in Sydney Harbour from Gardens	\$50
Clause 16 (1) (f)	moor boat to Gardens sea wall .....	\$100
Clause 16 (1) (g)	rollerskate/rideskateboard/operate apparatus in Gardens .....	\$75
Clause 16 (1) (h)	ride bicycle/tricycle in Gardens/Mt Tomah Garden .....	\$75
Clause 16 (1) (i)	throw/kick/hit object in Gardens .....	\$50
Clause 17 (1) (a)	bring bus/heavy vehicle into Domain otherwise than by road .....	\$75
Clause 17 (1) (b)	bring into Domain/permit to remain in Domain any animal .....	\$50
Clause 17 (1) (c)	address function/public meeting/ demonstration/gathering in Domain .....	\$75
Clause 17 (1) (d)	throw/kick/hit object in Domain .....	\$50