

1995—No. 419

TRANSPORT ADMINISTRATION ACT 1988—REGULATION

(Transport Administration (General) Regulation 1995)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Transport Administration Act 1988, has been pleased to make the Regulation set forth hereunder.

BRIAN LANGTON, M.P.,
Minister for Transport.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Transport Administration (General) Regulation 1995.

Commencement

2. This Regulation commences on 1 September 1995.

Definitions

3. In this Regulation:

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

“**RTA**” means the Roads and Traffic Authority;

“**relevant Authority**” means:

- (a) the SRA, in relation to SFW land; or
- (b) the STA, in relation to STA land;

“**SRA**” means the State Rail Authority;

“SRA land” means land vested in the SRA;

“STA” means the State Transit Authority;

“STA land” means land vested in the STA;

“the Act” means the Transport Administration Act 1988;

“traffic control officer” means:

- (a) a police officer; or
- (b) a member of the transit police service; or
- (c) a person or a member of a class of persons appointed in writing by the Chief Executive of the SRA, in relation to SRA land; or
- (d) a person or a member of a class of persons appointed in writing by the Chief Executive of the STA, in relation to STA land;

“traffic control sign” means a standard, sign, notice or device:

- (a) that is in or similar to the form of a traffic control sign under the Motor Traffic Regulations 1935; and
- (b) that is erected, displayed or marked on SRA or STA land by order of the relevant Authority;

“vehicle” includes a bicycle, but does not include any vehicle used on railway lines.

PART 2—TRAFFIC CONTROL

Traffic control signs

4. (1) Words appearing on a traffic control sign have the same meanings as they have on traffic control signs under the Motor Traffic Regulations 1935.

(2) The words “receipt and delivery zone” on a traffic control sign have the same meaning as “loading zone” under the Motor Traffic Regulations 1935.

Powers of traffic control officers and duties of drivers

5. (1) The driver of a vehicle on SRA or STA land:

- (a) must produce his or her driver’s licence for inspection on demand made by a traffic control officer; and
- (b) must give to a traffic control officer such information regarding the standing or parking of the vehicle on the land as the officer requires.

Maximum penalty: 2 penalty units.

(2) A traffic control officer may direct the driver of a vehicle standing or parking on SRA or STA land:

- (a) that the vehicle not stand or be parked in an area or a part of an area on the land; or
- (b) that the vehicle be removed from an area or a part of an area on the land; or
- (c) that the vehicle be moved to a particular position, stand or be parked in a particular location or join a particular line of vehicles on the land; or
- (d) otherwise relating in any way to the standing or parking of the vehicle on the land.

(3) The driver of a vehicle to whom such a direction is given must not fail to comply with the direction.

Maximum penalty: 2 penalty units.

Parking of vehicles only in parking areas

6. (1) A person must not cause a vehicle to stand or be parked on SRA or STA land:

- (a) on which there is no traffic control sign erected, displayed or marked; or
- (b) on which there is no other sign erected, displayed or marked by order of the relevant Authority permitting the standing or parking of vehicles.

Maximum penalty: 2 penalty units.

(2) This clause does not prohibit:

- (a) the standing of a vehicle while it is actually engaged in taking up or setting down goods, or while any person is actually entering or alighting from it; or
- (b) the standing or parking of a vehicle as directed or authorised by a traffic control officer.

Parking contrary to traffic control signs

7. (1) A person must not, on SRA or STA land, cause a vehicle to stand or be parked in contravention of the direction appearing on, or represented by, any traffic control sign that is erected, displayed or marked on that land.

Maximum penalty: 2 penalty units.

(2) The clause does not prohibit the standing or parking of a vehicle as directed or authorised by a traffic control officer.

False representation

8. A person must not falsely represent:

- (a) that he or she or any other person is a traffic control officer exercising the powers of a traffic control officer under this Regulation; or
- (b) that a notice or sign is erected, displayed or marked on SRA or STA land by order of the relevant Authority; or
- (c) that a direction relating to the standing, waiting or parking of a vehicle on SRA or STA land has been given by a traffic control officer.

Maximum penalty: 2 penalty units.

PART 3—RAIL CARRIAGE OF DANGEROUS GOODS

Adoption of Dangerous Goods Code

9. (1) The provisions of the Dangerous Goods Code have effect in relation to the transport by the SRA of dangerous goods by rail.

(2) A person must not contravene any requirement imposed on the person by the Dangerous Goods Code.

Maximum penalty: 5 penalty units.

(3) In this clause, “**Dangerous Goods Code**” means the Railways of Australia Code of Practices and Conditions for the Carriage of Dangerous Goods (incorporating the Australian Code for the Transport of Dangerous Goods by Road and Rail published by the Australian Government) issued by the authority of the Commissioners of the Australian National and State Railways Systems of Australia, as in force on 1 October 1992.

PART 4—MISCELLANEOUS

Removing or damaging a penalty notice

10. A person must not, without lawful excuse, remove or deface, destroy or otherwise damage any notice left on or attached to a motor vehicle under section 117 (3) (b) of the Act.

Maximum penalty: 2 penalty units.

Obstructing an officer

11. A person must not obstruct or hinder a traffic control officer in the exercise of any power conferred by this Regulation.

Maximum penalty: 2 penalty units.

Additional classes of persons to whom Director-General of Department of Transport may delegate functions: sec. 40

12. RTA officers are prescribed as a class of officers for the purposes of section 40 of the Act.

Additional classes of persons to whom RTA may delegate functions: sec. 50

13. (1) The following classes of persons are prescribed for the purposes of section 50 of the Act:

- (a) chairpersons of regional traffic committees;
- (b) councils, councillors of councils and the staff of councils;
- (c) declared authorities (as defined in the Public Sector Management Act 1988) and the members and staff of those authorities;
- (d) public servants;
- (e) authorities of the Commonwealth, the members and staff of those authorities and the staff of Departments of the Commonwealth.

(2) In this clause:

“**council**” has the same meaning as it has in the Local Government Act 1993, and includes an administrator for a council appointed under that Act;

“**councillor**” has the same meaning as it has in the Local Government Act 1993;

“**regional traffic committee**” means a committee established by the RTA to provide advice on traffic and associated matters.

Transport districts: sec. 108

14. For the purposes of section 108 of the Act, the boundaries of the transport districts are as follows:

- (a) the boundaries of the Metropolitan transport district are the boundaries of the area comprising the County of Cumberland (excluding any area within the City of Wollongong) and the Parish of Cowan in the County of Northumberland;

- (b) the boundaries of the Newcastle transport district are the boundaries of the area comprising the City of Newcastle, the Parishes of Teralba and Kahibah, that part of the Parish of Wallarah in the City of Lake Macquarie and the area of Kooragang Island;
- (c) the boundaries of the Wollongong transport district are the boundaries of the area comprising the whole of the City of Wollongong.

Repeals

15. (1) The following Regulations are repealed:

- (a) the Transport Administration (Government Bus and Ferry Services) Regulation 1989;
- (b) the Transport Administration (Dangerous Goods—SRA) Regulation 1989;
- (c) the Transport Administration (Delegation) Regulation 1989;
- (d) the Transport Administration (Penalty Notices) Regulation 1989;
- (e) the Transport Administration (Traffic Control—SRA and STA Land) Regulation 1989;
- (f) the Transport Administration (Transport Districts) Regulation 1989.

(2) Any act, matter or thing that, immediately before the repeal of the Transport Administration (Government Bus and Ferry Services) Regulation 1989, had effect under that regulation continues to have effect under:

- (a) the Transport Administration (Bus Offences) Regulation 1995; or
- (b) the Transport Administration (Ferry Offences) Regulation 1995,

as the case requires.

(3) Any act, matter or thing that, immediately before the repeal of any other regulation referred to in subclause (1), had effect under that regulation continues to have effect under this Regulation.

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EXPLANATORY NOTE

The objects of this Regulation are to repeal various regulations under the Transport Administration Act 1988 and to remake some of their provisions in a single Regulation. Other provisions are to be remade in other regulations. The new Regulation deals with the following matters:

- (a) traffic control on land that is vested in the State Rail Authority or the State Transit Authority (Part 2);
- (b) the carriage by rail of dangerous goods (Part 3);
- (c) other matters of a minor, consequential or ancillary nature (Parts 1 and 4).

This Regulation is made under the Transport Administration Act 1988, including section 119 (the general regulation making power).

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
