



New South Wales

Impounding (General) Regulation 1998

under the
Impounding Act 1993

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Impounding Act 1993*.

ERNIE PAGE. M.P.,
Minister for Local Government

Explanatory note

The object of this Regulation is to repeal and remake, with no changes in substance, the provisions of the *Impounding (General) Regulation 1993*. The new Regulation prescribes certain authorities as impounding authorities for the purposes of the *Impounding Act 1993*, prescribes certain offences as penalty notice offences for the purposes of that Act and prescribes certain expressions as short descriptions for use in connection with penalty notices and other documents that relate to the penalty notice offences so prescribed.

This Regulation is made under the *Impounding Act 1993*, including section 51 (the general regulation-making power) and section 36, and under section 145B of the *Justices Act 1902*.

This Regulation comprises or relates to matters of a machinery nature.

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

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Impounding (General) Regulation 1998

1 Name of Regulation

This Regulation is the *Impounding (General) Regulation 1998*.

2 Commencement

This Regulation commences on 1 September 1998.

3 Definitions

In this Regulation:

the Act means the *Impounding Act 1993*.

4 Notes

The explanatory note and table of contents do not form part of this Regulation.

5 Impounding authorities

For the purposes of the definition of *impounding authority* in the Dictionary to the Act, the authorities specified in the Table to this clause are prescribed as impounding authorities for the place or classes of places so specified.

Table

Authority	Place or classes of place
Authority	Place or classes of place
Bicentennial Park Trust	All land vested in the Trust
Parramatta Stadium Trust	All land vested in the Trust
Royal Botanic Gardens and Domain Trust	All land vested in the Trust
State Sports Centre Trust	All land vested in the Trust
State Transit Authority	All places in NSW that are under the control of the Authority

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Clause 6 Impounding (General) Regulation 1998

6 Penalty notice offences: section 36

For the purposes of section 36 of the Act:

- (a) each offence created by a provision specified in Column 1 of Schedule 1 is a prescribed offence, and
- (b) the prescribed penalty for such an offence is the amount specified in Column 3 of Schedule 1.

7 Short descriptions

- (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.
- (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.
- (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.

8 Repeal

The *Impounding (General) Regulation 1993* is repealed.

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Penalty notice offences

Schedule 1

Schedule 1 Penalty notice offences

(Clauses 6 and 7)

Column 1	Column 2	Column 3
Section 32 (1)	abandon article in public place	\$110.00
Section 32 (1)	abandon motor vehicle in public place	\$220.00
Section 32 (2)	leave animal unattended in public place	\$220.00