



New South Wales

# Roads (General) Amendment (Tolls) Regulation 2001

under the

Roads Act 1993

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

CARL SCULLY, M.P.,

Minister for Roads

## Explanatory note

The object of this Regulation is to amend the *Roads (General) Regulation 2000* to provide for the following:

- (a) the payment of a toll by the use of an electronic device,
- (b) the creation of offences in relation to tampering or interfering with an electronic device or with equipment used in connection with the collection of a toll, paying or attempting to pay a toll with a voucher or device that is not issued by a toll operator and using a voucher or device to pay a toll on certain tollways for a class of vehicle not covered by the voucher or device,
- (c) a dispute resolution procedure to enable a person who has paid a toll or is required to pay a toll to object against the imposition of the toll or the amount of the toll imposed,
- (d) the exemption of certain vehicles from the requirement to pay a toll on specific tollways,
- (e) prescribing certain persons as authorised officers with respect to tollways and requiring such persons to wear certain identification when exercising functions in relation to tollways,

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- (f) prescribing a security indicator, for the purposes of section 250A (2) (b) of the *Roads Act 1993*, with respect to digital camera photographs that are used as evidence of failure or refusal to pay a toll or charge,
- (g) prescribing the Minister and public sector agencies as persons to whom certain information regarding the use or operation of approved toll cameras can be divulged,
- (h) other minor or consequential matters.

This Regulation is made under the *Roads Act 1993*, including section 250A (which is inserted in that Act by the *Roads Amendment (Tolls) Act 1999*, which commences on the same day as this Regulation) and section 264 (the general power to make regulations).

## Roads (General) Amendment (Tolls) Regulation 2001

### 1 Name of Regulation

This Regulation is the *Roads (General) Amendment (Tolls) Regulation 2001*.

### 2 Commencement

This Regulation commences on 17 March 2001.

### 3 Amendment of Roads (General) Regulation 2000

The *Roads (General) Regulation 2000* 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

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**Schedule 1 Amendments**

(Clause 3)

**[1] Clause 3 Definitions**

Insert in alphabetical order:

*toll* has the same meaning as in section 250A of the Act.

*toll operator* means:

- (a) the RTA, or
- (b) any other person to whom the RTA has leased any part of land on which a tollway is operated and who collects a toll in respect of the tollway.

**[2] Clause 21A**

Insert before clause 22:

**21A Definitions**

In this Part:

*electronic device* means a device, bearing a unique identifying number or alphanumeric identifier, issued by a toll operator for use in payment of a toll and affixed to a vehicle, or otherwise used, as approved by the toll operator.

*electronic toll sign* means a sign in relation to a lane on a tollway indicating that a toll in respect of a vehicle in that lane may be paid by means of an electronic device.

*toll collection point* means the point designated as the place where a toll is to be paid to or collected by a toll operator.

**[3] Clause 22 Driver of vehicle to pay toll**

Omit “toll barrier” where firstly occurring in clause 22 (1).

Insert instead “toll collection point relating to the lane in which the vehicle is travelling”.

**[4] Clauses 22 and 23**

Omit “toll barrier” wherever occurring in clauses 22 and 23 (except where firstly occurring in clause 22 (1)).

Insert instead “toll collection point”.

**[5] Clause 22 (1) (c)**

Insert at the end of clause 22 (1) (b):

, or

- (c) the driver is permitted (either by arrangement with the toll operator or under an agreement entered into by a toll operator with respect to the tollway), to drive the vehicle past the toll collection point without paying the relevant toll.

**[6] Clause 22 (2)**

Omit “RTA” wherever occurring. Insert instead “toll operator”.

**[7] Clause 23 Manner of payment of toll**

Omit “RTA” where firstly occurring in clause 23 (1) (c).

Insert instead “relevant toll operator”.

**[8] Clause 23 (1) (c)**

Omit “the RTA” wherever occurring in clause 23 (1) (c) (except where firstly occurring in clause 23 (1) (c)).

Insert instead “that toll operator”.

**[9] Clause 23 (1) (d)**

Insert at the end of clause 23 (1) (c):

, or

- (d) in respect of a lane to which an electronic toll sign applies:
  - (i) by means of an electronic device that indicates, or causes an indication, that the owner of the vehicle has paid to the toll operator an amount equivalent to the amount of any toll payable, or

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- (ii) by payment in accordance with any of paragraphs (a)–(c) unless it is clearly indicated that payment may not be made in that lane in the relevant manner.

### [10] Clauses 23A–23E

Insert after clause 23:

#### **23A Toll collection: offences**

- (1) A person must not, without reasonable excuse, tamper or otherwise interfere with:
  - (a) any electronic device, or
  - (b) any equipment used in connection with the collection of a toll (such as a sensor unit, an electronic boom gate or automatic toll collecting machine), or
  - (c) any part of such a device or equipment.

Maximum penalty: 10 penalty units.

- (2) A person must not pay or attempt to pay a toll with respect to a motor vehicle by use of a voucher or device:
  - (a) that is not acceptable to the relevant toll operator for the payment of the toll, or
  - (b) that is issued by a toll operator for the payment of the toll with respect to a class of motor vehicles to which that vehicle does not belong.

Maximum penalty: 10 penalty units.

#### **23B Objections in relation to payment of toll**

- (1) A person who has paid a toll, or who is required to pay a toll, under this Part may object to:
  - (a) the imposition of the toll, or
  - (b) the amount of toll imposed,if the person is of the opinion that he or she is not liable for the toll (or the full amount of the toll) imposed.
- (2) An objection referred to in subclause (1) must:
  - (a) be in writing addressed to the toll operator, and

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- (b) if a toll was paid or a direction given as referred to in clause 22 (2)—state the approximate time and date when, and the location on the tollway where, the toll was paid or the direction given, and
  - (c) if the objector received a notification as referred to in paragraph (i) or (j)—set out the toll collection point, lane and direction of travel specified in that notification, and
  - (d) set out the grounds of the objection, and
  - (e) be signed by the objector, and
  - (f) if the toll was paid otherwise than by means of an electronic device—be made within 14 days after the payment of the toll, and
  - (g) if the toll was paid by means of an electronic device—be made within 14 days after receipt by the objector of a statement from a toll operator indicating:
    - (i) that the toll was paid, and
    - (ii) the amount of the toll paid, and
  - (h) if a direction was given under clause 22 (1) (b) (i)—be made within 7 days after the direction was given, and
  - (i) if a direction was given under clause 22 (1) (b) (ii)—be made within 7 days after the objector received in the post notification that a vehicle owned by the person was detected proceeding past a toll collection point without paying the relevant toll, and
  - (j) in any other case in which the objector received in the post notification that a vehicle owned by the person was detected proceeding past a toll collection point without paying the relevant toll—be made within 7 days after the objector received the notification.
- (3) A toll operator may deal with an objection by:
- (a) reimbursing to the objector all or part of the toll, or waiving payment of all or part of the toll, the subject of the objection, or
  - (b) dismissing the objection.
- (4) An objection under subclause (2) is not invalid merely because all the requirements of that subclause are not met but, in that
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case, the toll operator:

- (a) may, within 7 days after receiving the objection, require the objector to provide such further information in relation to the objection as is specified by the toll operator, and
  - (b) must deal with the objection, and notify the objector of the decision on the objection, within 7 days after the further information is received by the toll operator.
- (5) Unless the objector is required to provide further information under subclause (4), the toll operator must, within 7 days after receiving an objection under this clause, notify the objector of the decision on the objection.
- (6) A notification under this clause must:
- (a) be in writing, and
  - (b) state that the objector may apply for a review of the decision as referred to in clause 23C.

### **23C Review of decision on objection**

- (1) If the objector is not satisfied with the decision of the toll operator, he or she may apply in writing, within 14 days after receiving notification of the decision, for a review of the decision:
- (a) if the original objection was made to the RTA— to the Minister, or
  - (b) if the original objection was made to a toll operator other than the RTA—to an assessor (being a person, or a person belonging to a class of persons, nominated by the toll operator and approved by the RTA) who agrees to act as such.
- (2) The Minister, or the assessor, as the case requires, is not obliged to review a decision if the objector does not include copies of the original objection and the decision of the toll operator when applying for the review.



- (3) On receiving an application for review, the Minister or the assessor, as the case requires, must:
- (a) confirm or reverse the decision of the toll operator with respect to the original objection within 21 days after receiving the application, and
  - (b) notify the applicant in writing of that decision.
- (4) The Minister, or the assessor, as the case requires, may require the toll operator who made the original decision to supply such information, within the time specified by the Minister or assessor, as may reasonably assist the Minister or assessor in reviewing the decision.
- (5) The Minister may appoint a person to exercise the Minister's functions under subclause (3) and a function so exercised is taken to be exercised by the Minister.

**23D Security indicators: section 250A (2) (b) of Act**

For the purposes of section 250A (2) (b) of the Act, an identifier consisting of a series of 48 characters that is an individual combination of letters, numbers and symbols that has been produced by an MD5 algorithm and that is imposed on a photograph at the time the photograph is taken is prescribed as a security indicator.

**23E Divulging of information by prescribed persons: section 250A (5) (e) of Act**

The following persons are prescribed for the purpose of section 250A (5) (e) of the Act:

- (a) the Minister,
- (b) a public sector agency, within the meaning of the *Privacy and Personal Information Protection Act 1998*.

**[11] Clause 24 Maximum penalty for not paying charge**

Omit "the RTA". Insert instead "the toll operator".

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**[12] Clause 35A**

Insert after clause 35:

**35A Exempt vehicles**

The following vehicles are exempt from liability to pay a toll:

- (a) in the case of the Sydney Harbour Bridge—a class of vehicle described in Item 2, 3 or 4 of Schedule 1 to any order from time to time in force under section 215 of the Act,
- (b) in the case of any tollway declared to be a tollway by an order in force under section 52 of the Act—marked police vehicles, unmarked police vehicles displaying a flashing light or sounding an alarm, fire brigade vehicles and ambulances.

**[13] Clause 77 Authorised officer**

Insert at the end of the clause:

- (e) in respect of a tollway or the Sydney Harbour Bridge—an employee or agent of a toll operator.

**[14] Clause 77 (2)**

Insert at the end of clause 77:

- (2) An authorised officer referred to in subclause (1) (e) may exercise a function only if the authorised officer:
  - (a) wears a uniform issued by the toll operator, or
  - (b) wears an identity card, issued by the toll operator, that is clearly visible.

**[15] Schedule 1 Penalty notice offences**

Omit “tollway” from column 4 of the matter relating to clause 22 (1).

Insert instead “toll collection point”.

**[16] Schedule 1**

Omit all the matter relating to clause 24. Insert instead:

Clause 23A (1) (a)	232	6710	tamper/interfere with electronic device
Clause 23A (1) (b)	232	6711	tamper/interfere with equipment
Clause 23A (1) (c)	232	6717, 6713	tamper/interfere with part of device/equipment
Clause 23A (2) (a)	232	6718	use voucher/device not issued by toll operator
Clause 23A (2) (b)	232	6720	use voucher/device for wrong class of vehicle
Clause 24	115	6722	fail to pay toll to operator on demand