



New South Wales

Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Mobility Parking Scheme) Regulation 2007

under the

Road Transport (Safety and Traffic Management) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Safety and Traffic Management) Act 1999*.

ERIC ROOZENDAAL, M.L.C.,
Minister for Roads

Explanatory note

The object of this Regulation is to amend the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* to make further provision with respect to the issue to and use of mobility parking scheme authorities by persons with disabilities. In particular this Regulation:

- (a) updates the conditions to which a scheme authority is subject, and
- (b) provides that the Roads and Traffic Authority (the **Authority**) may require evidence that an individual seeking a scheme authority is a disabled person, and
- (c) provides that the Authority may require the holder of a scheme authority to provide evidence that the holder is a disabled person or that the scheme authority has not been misused (failure to comply with such a requirement may be used as a basis for revoking the scheme authority), and
- (d) permits the Authority, in order to determine if a person is a disabled person, to require the person to be examined by a specified medical practitioner or a medical practitioner belonging to a specified class and to require any such medical practitioner to provide the Authority with such information as it may require in relation to the individual's disability, and
- (e) creates an offence (maximum penalty \$2,200) if the holder of a scheme authority permits another person to have possession of, or access to, the scheme authority where the holder suspects or should reasonably suspect that the other person will use the scheme authority in contravention of any condition to which it is subject.

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Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Mobility Parking Scheme) Regulation 2007

Explanatory note

This Regulation is made under the *Road Transport (Safety and Traffic Management) Act 1999*, including section 71 (the general regulation-making power) and clause 2 of Schedule 1.

Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Mobility Parking Scheme) Regulation 2007

under the

Road Transport (Safety and Traffic Management) Act 1999

1 Name of Regulation

This Regulation is the *Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Mobility Parking Scheme) Regulation 2007*.

2 Amendment of Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999

The *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* is amended as set out in Schedule 1.

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Road Transport (Safety and Traffic Management) (Road Rules)
Amendment (Mobility Parking Scheme) Regulation 2007

Schedule 1 Amendments

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(Clause 2)

[1] Clause 126B Conditions of scheme authorities

Omit clause 126B (1). Insert instead:

- (1) A scheme authority is subject to the following conditions:
 - (a) the scheme authority must only be used in connection with the conveyance of the holder of the scheme authority, or in the case of a scheme authority issued to an organisation, in connection with the conveyance of disabled persons by or on behalf of that organisation,
 - (b) when in use, the whole of the side of the scheme authority marked “THIS SIDE UP” must be clearly displayed at the left of the vehicle’s windscreen, or on any window on the left hand (passenger) side of the vehicle, or if this is not practicable, in another part of the windscreen or other window of the vehicle,
 - (c) a scheme authority must not be used if it has been defaced or otherwise altered or where any of the personal or organisational details on the scheme authority is illegible.

[2] Subdivision 3, heading

Insert “and collection and use of information” after “authorities”.

[3] Clause 126D Procedure to obtain scheme authority

Insert after clause 126D (2):

- (3) The Authority may, in the case of an application for a scheme authority for an individual, require the applicant to provide, in such a form as may be specified by the Authority, evidence that satisfies the Authority that the individual is a disabled person.

[4] Clauses 126FA–126FC and Subdivision 3A, heading

Insert after clause 126F:

126FA Information about eligibility for and use of scheme authority

The Authority may at any time, by notice in writing, require the holder of a scheme authority to provide, in such a form as may be specified in the notice, evidence that satisfies the Authority of either or both of the following:

- (a) that the scheme authority has not been misused in the manner or circumstances described in the notice,

- (b) if the holder is an individual, that the individual is a disabled person.

126FB Evidence of disability

For the purposes of satisfying itself under clause 126D (3) or 126FA (b) that an individual is a disabled person, the Authority may require the individual:

- (a) to be examined by a specified medical practitioner or a medical practitioner belonging to a specified class of medical practitioners, and
- (b) to authorise any such medical practitioner to provide the Authority with such information as the Authority may require in relation to the individual's disability.

126FC Information collected under Subdivision

- (1) The Authority may collect, retain, use and disclose any information provided under this Subdivision for the purposes of carrying out its functions under this Division, or for the prosecution of an offence under this Division.
- (2) Despite subclause (1), evidence provided under clause 126FA (a) may not be used to prosecute a person who provides the evidence for an offence other than an offence in respect of the falsity of the evidence.

Subdivision 3A Photographs

[5] Clause 126K Improper use of scheme authorities

Insert before the penalty clause:

- (2) The holder of a scheme authority must not permit another person to have possession of, or access to, the scheme authority if the holder suspects or should reasonably suspect that the other person will use the scheme authority in contravention of any condition of the scheme authority.

[6] Clause 126P Revocation of scheme authorities

Insert after clause 126P (1) (b):

- (b1) for a failure by the holder of the scheme authority to comply with a requirement of the Authority under clause 126FA or 126FB, or

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Schedule 1 Amendments

[7] Clause 126P (2) (b1)

Insert after clause 126P (2) (b):

- (b1) the right of the holder to appeal to a Local Court against the decision to revoke the scheme authority, and

Note. Appeals to the Local Court are dealt with under clauses 29A and 29B of the *Road Transport (General) Regulation 2005*.

[8] Clause 126Q

Omit the clause. Insert instead:

126Q Transitional provisions

- (1) In this clause:
- amending Regulation** means the *Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Mobility Parking Scheme) Regulation 2007*.
- existing authority** means a mobility parking scheme authority that was in force immediately before the commencement of the amending Regulation.
- (2) The amendments made to this Division by the amending Regulation extend to an existing authority on and from the date of commencement of the amending Regulation.
- (3) The conditions imposed on an existing authority under clause 126B (1) (as amended by the amending Regulation) replace the conditions that were imposed on the scheme authority by that subclause before that amendment.
- (4) Any condition that applied to an existing authority under clause 126B (2) continues to apply to the authority except to the extent that the condition is inconsistent with the conditions imposed under clause 126B (1) (as amended by the amending Regulation).

BY AUTHORITY
