



New South Wales

Road Transport (General) Amendment (Mobility Parking) Regulation 2007

under the

Road Transport (General) Act 2005

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (General) Act 2005*.

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

Explanatory note

The object of this Regulation is to permit a person who is aggrieved by a decision of the Roads and Traffic Authority to revoke a mobility parking scheme authority to appeal against the decision to a Local Court.

This Regulation is made under the *Road Transport (General) Act 2005*, including sections 10 (the general regulation-making power) and 242.

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Clause 1 Road Transport (General) Amendment (Mobility Parking) Regulation 2007

Road Transport (General) Amendment (Mobility Parking) Regulation 2007

under the

Road Transport (General) Act 2005

1 Name of Regulation

This Regulation is the *Road Transport (General) Amendment (Mobility Parking) Regulation 2007*.

2 Amendment of Road Transport (General) Regulation 2005

The *Road Transport (General) Regulation 2005* is amended as set out in Schedule 1.

Schedule 1 Amendment

(Clause 2)

Clauses 29A and 29B

Insert after clause 29:

29A Appeals concerning mobility parking scheme authorities

- (1) Any person aggrieved by a decision of the Authority under clause 126P of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* to revoke a mobility parking scheme authority may appeal against the decision to a Local Court.
- (2) Notice of such an appeal specifying the grounds of the appeal must be lodged with the registrar of the Local Court to which the appeal is being made not later than 21 days after the holder of the scheme authority is notified in writing of the decision being appealed against.
- (3) The registrar of the Local Court must give notice of the time and place of the hearing of the appeal to the Authority and to the appellant and, in the notice to the Authority, is to inform the Authority of the grounds of the appeal.
- (4) The time of the hearing of the appeal must be not earlier than 21 days after the date on which the notice under subclause (3) is given to the Authority.
- (5) The hearing of the appeal may proceed despite any omission or error in a notice under subclause (3), or the failure to give any such notice, if the Court is satisfied that the appellant and the Authority had knowledge of the time and place of the hearing and were not prejudiced by any such omission or error or by the failure to give any such notice.

29B Determination of appeals concerning mobility parking scheme authorities

- (1) A Local Court is to hear and determine an appeal made to it under clause 29A and may confirm (with or without variation) or disallow the decision appealed against, or make such other order in the circumstances as to the Court seems just.

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Schedule 1 Amendment

- (2) For the purposes of varying a decision of the Authority under subclause (1), the Court may exercise only such powers as the Authority could have exercised under the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* when making that decision.
- (3) The decision of a Local Court in respect of an appeal made under clause 29A is final and is binding on the appellant and on the Authority.

BY AUTHORITY
