



New South Wales

Road Transport (Safety and Traffic Management) Amendment (Mobility Parking Scheme) Regulation 2009

under the

Road Transport (Safety and Traffic Management) Act 1999

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

MICHAEL DALEY, M.P.,
Minister for Roads

Explanatory note

Currently, an authorised officer may direct the person in charge of a vehicle to remove a scheme authority and give it to the officer:

- (a) if the vehicle is stopped in a parking area for people with disabilities (within the meaning of rule 203 of the *Road Rules 2008*), or
- (b) if the vehicle is parked contrary to a permissive parking sign.

The object of this Regulation is to amend the *Road Transport (Safety and Traffic Management) Regulation 1999* to empower an authorised officer to:

- (a) inspect the scheme authority, and
- (b) request and inspect the identification of the person in charge of the vehicle for the purpose of confirming that person's identity, and
- (c) if the authorised officer has reasonable grounds to suspect that the scheme authority:
 - (i) is not being used by the holder of the scheme authority, or
 - (ii) is being used contrary to the conditions of the scheme authority, or
 - (iii) has expired,confiscate the scheme authority.

If a scheme authority is confiscated, the Authority must determine whether to revoke the scheme authority in accordance with clause 126P of the *Road Transport (Safety and Traffic Management) Regulation 1999*. If the Authority decides not to revoke the scheme authority, the Authority must return the scheme authority to its holder as soon as is reasonably practicable.

2009 No 31

Road Transport (Safety and Traffic Management) Amendment (Mobility Parking Scheme)
Regulation 2009

Explanatory note

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

Road Transport (Safety and Traffic Management) Amendment (Mobility Parking Scheme) Regulation 2009

under the

Road Transport (Safety and Traffic Management) Act 1999

1 Name of Regulation

This Regulation is the *Road Transport (Safety and Traffic Management) Amendment (Mobility Parking Scheme) Regulation 2009*.

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

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

2009 No 31

Road Transport (Safety and Traffic Management) Amendment (Mobility Parking Scheme) Regulation 2009

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 2)

[1] Clause 126N Production to and confiscation of scheme authorities by authorised officers

Insert after clause 126N (1):

- (1A) An authorised officer to whom a scheme authority is given may do any one or more of the following:
 - (a) inspect the scheme authority,
 - (b) request and inspect the identification of the person in charge of the vehicle for the purpose of confirming that person's identity,
 - (c) if the authorised officer has reasonable grounds to suspect that the scheme authority:
 - (i) is not being used by the holder of the scheme authority, or
 - (ii) is being used contrary to the conditions of the scheme authority, or
 - (iii) has expired,confiscate the scheme authority.
- (1B) If a scheme authority is confiscated under this clause, the Authority must determine whether to revoke the scheme authority in accordance with clause 126P.

[2] Clause 126P Revocation of scheme authorities

Insert at the end of the clause (after the penalty provision):

- (7) If a scheme authority has been confiscated under clause 126N and the Authority decides not to revoke the scheme authority under this clause, the Authority must return the scheme authority to its holder as soon as is reasonably practicable.

BY AUTHORITY
