

Transport Administration (General) Regulation 2000

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New South Wales

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Transport Administration (General) Regulation 2000



New South Wales

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Transport Administration (General) Regulation 2000



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Transport Administration (General) Regulation 2000*.

2 Commencement

This Regulation commences on 1 September 2000.

Note—

This Regulation replaces the *Transport Administration (General) Regulation 1995* which is repealed on 1 September 2000 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

In this Regulation:

drive includes ride or draw a vehicle and ride or lead an animal.

relevant Authority means:

- (a) the SRA, in relation to SRA land, or
- (b) the STA, in relation to STA land.

RTA means the Roads and Traffic Authority.

SRA means the State Rail Authority.

SRA land means land vested in the SRA.

STA means the State Transit Authority.

STA land means land vested in the STA.

the Act means the *Transport Administration Act 1988*.

traffic control device means a sign, signal, marking or other device:

- (a) that is in or similar to the form of a prescribed traffic control device under the *Road Transport (Safety and Traffic Management) Act 1999*, and
- (b) that is erected, displayed or marked on SRA or STA land by order of the relevant authority.

traffic control officer means:

- (a) a police officer, or
- (b) a member of the transit police service, or
- (c) a person or a member of a class of persons appointed in writing by the Chief Executive of the SRA, in relation to SRA land, or
- (d) a person or a member of a class of persons appointed in writing by the Chief Executive of the STA, in relation to STA land.

vehicle includes a bicycle, but does not include any vehicle used on railway lines.

4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

Part 2 Traffic control

5 Traffic control devices

- (1) Words appearing on a traffic control device have the same meanings as they have on prescribed traffic control devices under the *Road Transport (Safety and Traffic Management) Act 1999*.
- (2) The words “receipt and delivery zone” on a traffic control device have the same meaning as “loading zone” under the *Road Transport (Safety and Traffic Management) Act 1999*.

6 Powers of traffic control officers and duties of drivers

- (1) The driver of a vehicle on SRA or STA land:
 - (a) must produce his or her driver’s licence for inspection on demand made by a traffic control officer if a licence is required for the driving of the vehicle, and
 - (b) must give to a traffic control officer such information regarding the standing or parking of the vehicle on the land as the officer requires.

Maximum penalty: 2 penalty units.

- (2) A traffic control officer may direct the driver of a vehicle standing or parking on SRA or

STA land:

- (a) that the vehicle not stand or be parked in an area or a part of an area on the land, or
 - (b) that the vehicle be removed from an area or a part of an area on the land, or
 - (c) that the vehicle be moved to a particular position, stand or be parked in a particular location or join a particular line of vehicles on the land, or
 - (d) otherwise relating in any way to the standing or parking of the vehicle on the land.
- (3) The driver of a vehicle to whom such a direction is given must not fail to comply with the direction.

Maximum penalty: 2 penalty units.

7 Parking of vehicles only in parking areas

- (1) A person must not cause a vehicle to stand or be parked on SRA or STA land:
- (a) on which there is no traffic control device erected, displayed or marked, or
 - (b) on which there is no other sign erected, displayed or marked by order of the relevant Authority permitting the standing or parking of vehicles.

Maximum penalty: 2 penalty units.

- (2) This clause does not prohibit:

- (a) the standing of a vehicle while it is actually engaged in taking up or setting down goods, or while any person is actually entering or alighting from it, or
- (b) the standing or parking of a vehicle as directed or authorised by a traffic control officer.

8 Parking contrary to traffic control devices

- (1) A person must not, on SRA or STA land, cause a vehicle to stand or be parked in contravention of the direction appearing on, or represented by, any traffic control device that is erected, displayed or marked on that land.

Maximum penalty: 2 penalty units.

- (2) This clause does not prohibit the standing or parking of a vehicle as directed or authorised by a traffic control officer.

9 False representation

A person must not falsely represent:

- (a) that he or she or any other person is a traffic control officer exercising the powers of a traffic control officer under this Regulation, or
- (b) that a notice or sign is erected, displayed or marked on SRA or STA land by order of the relevant Authority, or
- (c) that a direction relating to the standing, waiting or parking of a vehicle on SRA or STA land has been given by a traffic control officer.

Maximum penalty: 2 penalty units.

10 Prescribed traffic control facilities

For the purposes of paragraph (b) (ii) of the definition of **traffic control facility** in section 45E (1) of the Act, the road transport legislation within the meaning of the *Road Transport (General) Act 1999* is prescribed.

Part 3 Light rail systems

11 Declaration of route of part of Ultimo/Pymont system

- (1) For the purposes of section 104N (2) of the Act, the route along Hay Street, Sydney and the ramps and colonnade of Central Railway Station, as shown hatched on the Ultimo/Pymont Light Rail System Route Map (No 1), is declared to be the route of a light rail system.
- (2) The Ultimo/Pymont Light Rail System Route Map (No 1) is the map by that title:
 - (a) deposited in the office of the Director-General, and
 - (b) a copy of which was published in Gazette No 24 of 7 March 1997 at pages 1418-1422.
- (3) The route of that light rail system includes the stratum above and below the surface of the area of ground as shown on that map.

12 Declaration of route of further part of Ultimo/Pymont system (former Darling Harbour Goods Line)

- (1) For the purposes of section 104N (2) of the Act, the route along the former Darling Harbour Goods Line, between Darling Drive and Wattle Street, Ultimo, as shown hatched on the Ultimo/Pymont Light Rail System Route Map (No 1), is declared to be the route of a light rail system.
- (2) The Ultimo/Pymont Light Rail System Route Map (No 1) is the map by that title:
 - (a) deposited in the office of the Director-General, and
 - (b) a copy of the portion of which showing the part of the route declared by this

clause was published in Gazette No 62 of 13 June 1997 at pages 4358–4376.

- (3) The route of the light rail system includes:
- (a) the stratum above and below the surface of the area of ground as shown on that map, and
 - (b) the area of the walls, roof and floor of any tunnel through which the route passes, and
 - (c) any structure in such a tunnel.

13 Route taken to include adjacent structures

- (1) The route of a light rail system declared under this Part is taken to include:
- (a) if the route follows the line of a road or road related area—the full width of the road or area, and
 - (b) if a building or other structure is erected on an allotment adjoining the route—the area between the boundary of the route and the structure, including:
 - (i) in the case of a building—the building alignment and the area occupied by the wall (and any attached awning or structure) of the building that faces the route, and
 - (ii) in the case of any other structure—the area occupied by the part of the structure that faces the route.
- (2) Subclause (1) (b) applies whether the building or other structure concerned was erected before or after the commencement of this clause.

14 Declaration of Inner West extension of Ultimo/Pymont system (Wentworth Park to Lilyfield)

- (1) For the purposes of section 104N (2) of the Act, the route described in subclause (2) is declared to be the route of a light rail system.
- (2) The route concerned is the route along the former Darling Harbour Goods Line from Wattle Street, Ultimo to Balmain Road, Lilyfield, together with:
- (a) the spur of land at Glebe running from Bridge Road to Palmerston Avenue and along Palmerston Avenue to Glebe Point Road, and
 - (b) the land at Jubilee Park bounded by Harold Park Paceway, Johnstons Creek, the former Darling Harbour Goods Line and Victoria Road, and
 - (c) the land at Jubilee Park, north of the former Darling Harbour Goods Line, between Johnstons Creek and Victoria Road, and

(d) the spur of land between the Darling Harbour Goods Line, The Crescent and the City Link Road, and

(e) the spur of land in Rozelle Freight Yard in the vicinity of the Catherine Street Bridge,

as shown edged heavy black on the map marked "Inner West Light Rail Extension" and deposited in the office of the Director-General.

(3) The route of the light rail system includes the following:

(a) the stratum above and below the surface of the area of ground as shown on that map,

(b) the area of any bridge, viaduct or other support over which the route passes,

(c) the area of the walls, roof and floor of any tunnel through which the route passes,

(d) any structure in such a tunnel.

15 Exemption of light rail sub-lease from certain duties

For the purposes of section 104T of the Act, the sub-lease between the Transport Administration Corporation as sub-lessor and the Pyrmont Light Rail Company Pty Limited as sub-lessee registered at the Land Titles Office with the number 3589935 and commencing on 11 August 1997 and terminating on 10 February 2028 is exempt from liability for the payment of stamp duty under the [Stamp Duties Act 1920](#) and duty under the [Duties Act 1997](#).

Part 4 Penalty notices

16 Penalty notice offences

(1) For the purposes of section 117 of the Act:

(a) each offence created by a provision specified in Column 1 of Schedule 1 is declared to be a penalty notice offence, and

(b) the prescribed penalty for such an offence is the amount specified in Column 4 of Schedule 1.

(2) If the reference to a provision in Column 1 of Schedule 1 is qualified by words that restrict its operation to specified kinds of offences or to offences committed in specified circumstances, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or is committed in the circumstances so specified.

17 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 consists of the IPB Code set out in relation to the offence in Column 2 of Schedule 1 together with:
 - (a) the expression specified in Column 3 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, and any such document continues to have effect as if that expression had not been amended or repealed.
- (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.
- (5) In this clause and Schedule 1:
 - (a) **Infringement Processing Bureau** means the Infringement Processing Bureau within the Police Service.
 - (b) **IPB Code**, in relation to an offence, means the code allocated to the offence by the Infringement Processing Bureau.

18 Authorised officers: section 117

A traffic control officer (other than a police officer) is declared to be an authorised officer for the purposes of section 117 of the Act.

19 Removing or damaging a penalty notice

A person must not, without reasonable excuse, remove or deface, destroy or otherwise damage any notice left on or attached to a motor vehicle under section 117 (3) (b) of the Act.

Maximum penalty: 2 penalty units.

Part 4A Western Sydney Buses

19A Definitions

In this Part:

Liverpool-Parramatta Transitway means the transitway service operating between Liverpool and Parramatta.

transitway service means a regular passenger service conducted by bus by means of a transitway route or emergency route (being a route determined under the *Passenger Transport Act 1990*), or one or more parts of any such route.

Western Sydney Buses means the body corporate constituted by this Regulation.

19B Constitution of Western Sydney Buses

For the purposes of section 33 of the Act, there is constituted by this Regulation a body corporate with the corporate name of Western Sydney Buses.

19C Functions of Western Sydney Buses

- (1) Western Sydney Buses has all the functions of the State Transit Authority with respect to the operation of the Liverpool-Parramatta Transitway.
- (2) The provisions of section 24 (Miscellaneous functions of STA) of the Act apply to and in respect of Western Sydney Buses in the same way as they apply to and in respect of the State Transit Authority, but only so as to confer functions on Western Sydney Buses for the purpose of enabling it to exercise its functions under subclause (1).

Note—

Section 33 of the Act provides that a public subsidiary corporation has such of the functions of the State Transit Authority as are specified in the regulations or delegated to it under the Act.

19D Manager

- (1) The Chief Executive of the State Transit Authority is to appoint a person as the Manager of Western Sydney Buses. That person must be a person who is employed under section 60 of the Act.
- (2) The affairs of Western Sydney Buses are to be managed and controlled by the Manager in accordance with the policies of the State Transit Authority and the directions of the Chief Executive Officer of the State Transit Authority.
- (3) Any act, matter or thing done in the name of, or on behalf of, Western Sydney Buses by the Manager is taken to have been done by Western Sydney Buses.

19E Ministerial control

- (1) The provisions of section 29 (Ministerial control) of the Act apply to and in respect of Western Sydney Buses in the same way as those provisions apply to and in respect of

the State Transit Authority.

- (2) In its application to and in respect of Western Sydney Buses, section 29 of the Act is to be read as if a reference in that section to the Chief Executive of the State Transit Authority included a reference to the Manager of Western Sydney Buses, so that the Manager of Western Sydney Buses has the same obligations as the Chief Executive of the State Transit Authority to ensure compliance with directions under that section with respect to Western Sydney Buses.

19F Staff

- (1) Such staff as are necessary for the purposes of this Part may be employed under sections 60 and 61 of the Act.
- (2) Western Sydney Buses may arrange for the use of the services of any staff or facilities of the State Transit Authority. A person whose services are made use of under this clause remains a member of staff of the State Transit Authority.
- (3) Section 60 (Employment of staff) of the Act applies in respect of Western Sydney Buses as if Western Sydney Buses formed part of the State Transit Authority, so as to authorise the employment of staff to enable Western Sydney Buses to exercise its functions.

19G Financial provisions

- (1) The provisions of Divisions 2 and 4 of Part 8 of the Act apply to and in respect of Western Sydney Buses as if a reference in those provisions to the State Transit Authority or to an Authority included a reference to Western Sydney Buses, but not so as to authorise or require the establishment of any fund in addition to the State Transit Authority Fund.
- (2) For the purposes of the application of section 76 of the Act to Western Sydney Buses, the reference in that section to the Minister is taken to be a reference to the State Transit Authority.

19H Sale, lease or other disposal of land

Section 100 (Sale, lease or other disposal of land) of the Act applies in respect of Western Sydney Buses so as to authorise Western Sydney Buses to sell, lease or otherwise dispose of any of its land, with the approval of the Minister.

19I Protection from liability

The provisions of section 112 of the Act apply to and in respect of Western Sydney Buses as if a reference in those provisions to the Chief Executive of the State Transit Authority included a reference to the Manager of Western Sydney Buses.

19J Application of other provisions of Act to Western Sydney Buses

The following provisions of the Act apply to and in respect of Western Sydney Buses in the same way as they apply to and in respect of the State Transit Authority:

- (a) section 30 (STA to supply information to Minister),
- (b) section 35 (Delegation of functions of STA),
- (c) section 115 (Recovery of charges etc by transport authority).

19K Application of other Acts to Western Sydney Buses

- (1) The provisions of or made under any Act other than the *Transport Administration Act 1988* apply to and in respect of Western Sydney Buses as if a reference in those provisions to the State Transit Authority included a reference to Western Sydney Buses, except as provided by subclause (2).
- (2) The provisions of or made under the following Acts apply to and in respect of Western Sydney Buses as if Western Sydney Buses formed part of the State Transit Authority and as though the exercise of functions by and operations of Western Sydney Buses were the exercise of functions by and operations of the State Transit Authority:
 - (a) *Public Finance and Audit Act 1983*,
 - (b) *Public Authorities (Financial Arrangements) Act 1987*,
 - (c) *Annual Reports (Statutory Bodies) Act 1984*.

19L Effect of transfer of assets, rights and liabilities

- (1) This clause applies to the transfer to or by Western Sydney Buses of any asset, right or liability under section 33 (5) of the Act, unless the instrument of transfer provides that this clause is not to apply to the transfer.
- (2) The following provisions have effect in relation to a transfer of any asset, right or liability:
 - (a) the asset vests in the transferee by virtue of this clause and without the need for any transfer, conveyance or assignment,
 - (b) the right or liability becomes by virtue of this clause the right or liability of the transferee,
 - (c) all proceedings relating to the asset, right or liability commenced before the transfer by or against the transferor pending immediately before the transfer are taken to be proceedings pending by or against the transferee,
 - (d) any act, matter or thing done or omitted to be done in relation to the asset, right or liability before the transfer by, to or in respect of the transferor is (to the extent

that the act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the transferee,

(e) a reference in any instrument made under any Act (other than the *Transport Administration Act 1988*) or in any document of any kind to the transferor is (to the extent that it relates to the asset, right or liability but subject to this clause) to be read as, or as including, a reference to the transferee.

(3) The operation of this clause is not to be regarded:

- (a) as a breach of contract or confidence or otherwise as a civil wrong, or
- (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or
- (c) as giving rise to any remedy by a party to a contract or instrument, or as causing or permitting the termination of any contract or instrument, because of a change in the beneficial or legal ownership of any asset, right or liability, or
- (d) as an event of default under any contract or instrument.

(4) No attornment to the transferee by a lessee from the transferor is required.

(5) Duty is not chargeable in respect of:

- (a) a transfer of assets, rights or liabilities in accordance with section 33 (5) of the Act, or
- (b) anything certified by the Minister as having been done in consequence of such a transfer (for example, the transfer or registration of an interest in land).

Part 5 Miscellaneous

20 Obstructing an officer

A person must not obstruct or hinder a traffic control officer in the exercise of any power conferred by this Regulation.

Maximum penalty: 4 penalty units.

21 Authorised persons: section 40

The following classes of persons are prescribed for the purposes of section 40 of the Act:

- (a) officers of the RTA,
- (b) officers of the STA,
- (c) officers of the Olympic Roads and Transport Authority.

22 Additional classes of persons to whom RTA may delegate functions: section 50

- (1) The following classes of persons are prescribed for the purposes of section 50 of the Act:
 - (a) chairpersons of regional traffic committees,
 - (b) councils, councillors of councils and the staff of councils,
 - (c) declared authorities (as defined in the *Public Sector Management Act 1988*) and the members and staff of those authorities,
 - (d) public servants,
 - (e) authorities of the Commonwealth, the members and staff of those authorities and the staff of Departments of the Commonwealth.

- (2) In this clause:

council has the same meaning as it has in the *Local Government Act 1993*, and includes an administrator for a council appointed under that Act.

councillor has the same meaning as it has in the *Local Government Act 1993*.

regional traffic committee means a committee established by the RTA to provide advice on traffic and associated matters.

23 Transport districts: section 108

For the purposes of section 108 of the Act, the boundaries of the transport districts are as follows:

- (a) the boundaries of the Metropolitan transport district are the boundaries of the area comprising the County of Cumberland (excluding any area within the City of Wollongong) and the Parish of Cowan in the County of Northumberland,
- (b) the boundaries of the Newcastle transport district are the boundaries of the area comprising the City of Newcastle, the Parishes of Teralba and Kahibah, that part of the Parish of Wallarah in the City of Lake Macquarie and the area of Kooragang Island,
- (c) the boundaries of the Wollongong transport district are the boundaries of the area comprising the whole of the City of Wollongong.

24 Interpretation of references to SRA in certain environmental planning instruments

- (1) The references in clause 10 of *State Environmental Planning Policy No 7—Port Kembla Coal Loader* to the Chief Executive of the State Rail Authority are to be read as references to the Chief Executive of Rail Access Corporation or a nominee of the Chief Executive of Rail Access Corporation.

(2) The references in:

- (a) clause 34A (2) of *Sydney Regional Environmental Plan No 5—(Chatswood Town Centre)*, and
- (b) Part 2 of the Table to clause 15, clause 20A and clause 52 of *Sydney Regional Environmental Plan No 26—City West*,

to the State Rail Authority are taken to include references to Rail Access Corporation.

25 Saving

Any act, matter or thing that had effect under the *Transport Administration (General) Regulation 1995* immediately before the repeal of that Regulation by the *Subordinate Legislation Act 1989* is taken to have effect under this Regulation.

Schedule 1 Penalty notice offences

(Clauses 16 and 17)

Part 1 Offences under the **Transport Administration Act 1988** and the **Transport Administration (General) Regulation 2000**

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|------------|--------------------------|----------|
| Provision | IPB Code | Short description | Penalty |
| Section 116 of the Act and clause 7 (1) (a) of the Regulation | 0103, 4487 | park on SRA/STA land | \$50 |
| Section 116 of the Act and clause 7 (1) (b) of the Regulation | 0108, 4488 | unauthorised parking | \$50 |
| Section 116 of the Act and clause 8 (1) of the Regulation | 0127, 4489 | stand contrary to notice | \$50 |

Part 2 Offences under the **Transport Administration (General) Regulation 2000**

| Column 1 | Column 2 | Column 3 | Column 4 |
|------------------|------------|----------------------------|----------|
| Provision | IPB Code | Short description | Penalty |
| Clause 6 (1) (a) | 0040, 4496 | driver not produce licence | \$50 |

| | | | |
|------------------|------------|--|-------|
| Clause 6 (1) (b) | 0042, 4497 | not give information regarding vehicle | \$50 |
| Clause 6 (3) | 0265, 4480 | fail to comply with direction concerning vehicle | \$50 |
| Clause 7 (1) (a) | 0152, 4483 | driver park/stand on SRA/STA land | \$50 |
| Clause 7 (1) (b) | 0153, 4484 | unauthorised parking/standing (driver) | \$50 |
| Clause 8 (1) | 0154, 4485 | driver stand/park contrary to notice | \$50 |
| Clause 19 | 0043, 4498 | remove/deface/destroy/damage penalty notice | \$50 |
| Clause 20 | 0046,4500 | obstruct/hinder officer | \$100 |