

Road Transport (Safety and Traffic Management) Regulation 1999

[1999-623]



New South Wales

Status Information

Currency of version

Historical version for 16 March 2012 to 21 June 2012 (accessed 7 December 2024 at 15:56)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Previously named**
Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999
- **Does not include amendments by**
[Road Transport \(Safety and Traffic Management\) Amendment \(Tow-away Charge\) Regulation 2012 \(246\)](#)
(LW 8.6.2012) (not commenced — to commence on 1.7.2012)

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 8 June 2012

Road Transport (Safety and Traffic Management) Regulation 1999



New South Wales

Contents

Part 1 Preliminary	9
1 Name of Regulation	9
2 Commencement	9
3 Definitions	9
4 Notes	14
Part 2 (Repealed)	15
Part 3 Responsibility for certain vehicle use	15
38 Causing, permitting or allowing certain 4.5 tonne vehicles and combinations to be driven in excess of 100 kilometres per hour	15
39–42 (Repealed)	15
43 Use of vehicle that drops waste oil or grease	15
44–46 (Repealed)	16
47 Use of motor bike sidecars	16
47A–47F (Repealed)	16
48 Number of vehicles that may be drawn together	16
49–54 (Repealed)	16
55 Use of lights on vehicles generally	16
56 Use of crimson flashing warning lights on certain local council vehicles	17
57 (Repealed)	17
58 Use of lights on stationary vehicles	17

59 Carriage of dangerous goods in prohibited areas	18
60–86 (Repealed)	18
87 Use of lengthy vehicles in central Sydney and on certain other roads	18
88 (Repealed)	19
89 Prohibition on car minding	19
90 Inspection of driver licences by responsible persons	19
91 Responsible person’s consent	20
92 Parents not to cause or permit children to drive on roads	20
93 School buses	20
94 Warning signs and lights for school buses	21
95 Safety provisions for buses first registered on or after 1 August 1997	22
96 Door requirements for buses registered before 1 August 1997	23
96A, 96B (Repealed)	23
Part 4 Pay parking schemes	24
Division 1 Metered parking schemes	24
97 Metered parking schemes	24
98 Metered parking areas	25
99 Parking meters	25
100 Misuse of parking meters	25
100A Damage to parking meters	25
100B Temporary closure of metered parking space	26
Division 2 Ticket parking schemes	26
101 Ticket parking schemes	26
102 Use of false or damaged parking tickets	27
103 Misuse of ticket machines	27
103A Temporary closure of ticket parking areas and spaces	27
104 Parking ticket machines	28
105 Parking tickets	28
106 Duration of parking tickets	28
Division 3 Coupon parking schemes	29
107 Coupon parking schemes	29

108 Use of false or damaged parking coupons.....	29
109 Temporary closure of coupon parking areas and spaces	29
110 Parking coupons	30
111 Duration of parking coupons	30
Division 3A Phone parking schemes	31
111A Phone parking schemes	31
111B Display of information relating to phone parking	32
111C Temporary closure of phone parking areas and spaces.....	32
111D Duration of parking in phone parking areas and spaces	32
Division 4 Miscellaneous.....	32
112 Councils' common pay parking schemes.....	32
113 Authority guidelines and approval.....	32
114 Other powers to provide pay parking	33
115 Overlapping schemes	33
116 Application of money from parking.....	33
117 Disputes	34
118 Trailers not separately chargeable	34
118A Powers of police in emergency.....	34
Part 5 Other parking schemes.....	35
Division 1 Ticket-operated loading schemes	35
119 Ticket-operated loading schemes.....	35
120 (Repealed)	35
121 Loading zone tickets.....	35
121A Loading zone ticket machines and misuse of loading zone tickets.....	36
121B Temporary closure of ticket-operated loading zones	36
Division 2 Special event parking schemes.....	37
122 Special event parking schemes	37
123 (Repealed)	37
Divisions 3, 4 (Repealed).....	37

Part 6 Parking permits and mobility parking scheme authorities	37
Division 1 Parking permits	37
124 Parking permits	37
Division 2 Mobility parking scheme authorities	38
Subdivision 1 Interpretation	38
125 Definitions	38
Subdivision 2 Issue of scheme authorities	39
126 Authority may issue mobility parking scheme authorities.....	39
126A Form of scheme authority	39
126B Conditions of scheme authorities	39
126C When scheme authority ceases to be in force.....	40
Subdivision 3 Applications for scheme authorities and collection and use of information	40
.....	40
126D Procedure to obtain scheme authority	40
126E Fees for applications for scheme authorities	41
126F Surrender of current or expired scheme authority if new authority obtained	42
126FA Information about eligibility for and use of scheme authority	42
126FB Evidence of disability	42
126FC Information collected under Subdivision	42
Subdivision 3A Photographs	42
126G Authority may require the taking of photographs	43
126H Purposes for which photographs may be kept and used	43
126I Release of photographs prohibited	43
Subdivision 4 Use of scheme authorities	44
126J Relaxation of parking restrictions	44
126K Improper use of scheme authorities	44
126L Reproducing, copying, defacing, altering or destroying scheme authorities	44
126M Return of scheme authorities issued to individuals who have ceased to be disabled persons ...	44

126N Production and confiscation of scheme authorities	45
Subdivision 5 Expiry and revocation of scheme authorities	46
126O Expiry of scheme authorities.....	46
126P Revocation of scheme authorities.....	46
Subdivision 6 General	48
126Q Transitional provisions.....	48
Part 7 Alcohol and other drug use	48
127 Substances prescribed as drugs for the purposes of the definition of “drug” in Dictionary to Act	48
128 Premises, institutions and establishments prescribed for the purposes of sections 18C, 19, 24A and 26	48
129 Analysis of oral fluid, blood and urine samples—prescribed laboratory	49
130 Security of blood and urine samples taken under Divisions 3, 3A, 4, 4A and 5 of Part 2 of Act.....	49
130A Security of oral fluid samples taken under Division 3A of Part 2 of Act	50
130B Standards for approved oral fluid analysing instruments and testing devices: section 18A.....	51
Part 8 Prescribed traffic control devices	51
131 Devices that are prescribed for the purposes of section 50 of Act	51
132 Offences	52
Part 9 Monitoring of heavy vehicles and vehicles carrying dangerous goods	52
133 Vehicles to which Division 2 of Part 5 of Act applies (in addition to vehicles carrying dangerous goods)	52
134 Prescribed officers for the purposes of Division 2 of Part 5 of Act	53
135 Manner of approval of aspects of data recording and related matters	53
136 Accessories to contravention of Division 2 of Part 5 of Act.....	53
137 Manner of granting exemptions.....	53
Part 10 Child safety	54
138 Schemes to assist children to cross roads	54
Part 11 Speed limiters	55

139 Application of Division 2A of Part 5 of the Act	55
140 (Repealed)	56
141 Manner of limiting speed	56
142 Modifications	56
143 Exemptions.....	57
Part 12 Seizure of certain vehicles	58
Division 1 Interpretation	58
144 Definitions	58
Division 2 Seizure of vehicles by police officers	59
145 When police officers may seize motor vehicles or trailers.....	59
146 Where seized vehicle to be kept.....	59
147 Commissioner of Police to notify responsible person of seizure	60
148 Conditions for release of a seized vehicle	60
Division 3 Seizure of vehicles by council employees in Kings Cross area	61
149 When council employees may seize motor vehicles or trailers	61
150 Where seized vehicle to be kept.....	61
151 Enforcement officer to notify Authority	61
152 Enforcement officer to notify responsible person of seizure.....	62
153 Applications for the release of seized vehicles	62
Part 12A Offences	63
153A Determination of criminal responsibility.....	63
153B No double jeopardy for offence under this Regulation and the Road Rules 2008	64
Part 13 Miscellaneous	64
154 Meaning of “vehicle”	64
155 Removal of unattended vehicles: section 76	64
156 Testing of speed measuring devices: section 46 (1) (b) of Act	64
156A Security indicators: section 47 of Act.....	65
156B Security indicators: sections 47B and 57B of Act	65
156C Public transport lane offences	66

156D Inspection of approved camera detection devices: section 57 (3) (b) of the Act	66
157 Removal of dangers and obstructions to traffic	66
158 Failure to comply with order, notice, direction or requirement	66
159 False or misleading information.....	67
160 Certain provisions not to apply to light rail vehicles.....	67
160A Prescribed ground of exculpation: section 43A (3) of Act.....	67
161 Savings and transitional provisions	67
Schedules 1, 2 (Repealed)	67
Schedule 3 Declared organisations	68
Schedule 4 Substances prescribed as drugs	73
Schedule 5 (Repealed)	75

Road Transport (Safety and Traffic Management) Regulation 1999



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Road Transport (Safety and Traffic Management) Regulation 1999*.

2 Commencement

This Regulation commences on 1 December 1999.

3 Definitions (cf MTR, r 2)

(1) In this Regulation:

area of operations means:

- (a) in relation to a council—the council’s local government area, and
- (b) in relation to a declared organisation—the area of operations specified in relation to that organisation in Column 2 of Schedule 3.

articulated vehicle means a motor vehicle having at its rear a portion, on wheels, that is pivoted to, and a part of which (not being a pole, draw-bar or similar device or an accessory of it) is superimposed on, the forward portion of the vehicle.

Authority guidelines means guidelines in force under clause 113.

axle means that part of a vehicle consisting of one or more shafts, spindles or bearings in the same transverse vertical plane or between 2 parallel transverse vertical planes not more than 1 metre apart, by means of which, in conjunction with wheels mounted on such shafts, spindles or bearings, the whole or portion of the weight of the vehicle and its loading is continuously transmitted to the road surface.

axle group means a single axle, a tandem axle group or a tri-axle group.

bus means a motor vehicle built mainly to carry people that seats over 12 persons (including the driver).

centreline of an axle or axle group means a transverse line through the centre of the axle or axle group and that:

- (a) in the case of a single axle comprising more than one axle or a tandem axle group, not being a twin steer axle group:
 - (i) if both axles are fitted with an equal number of tyres, is a line located midway between those axles, or
 - (ii) if one axle is fitted with twice the number of tyres than the other axle, is a line one third of the distance between the axles away from the axle fitted with the greater number of tyres toward the axle fitted with the lesser number of tyres, or
- (b) in the case of a twin steer axle group, is a line located midway between the 2 axles in the group, or
- (c) in the case of a tri-axle group, is a line located midway between the extreme axles.

controlled parking hours, in relation to a pay parking space or pay parking area, means the periods (as set out on the relevant traffic signs) during which a vehicle may not be parked in the space or area unless the relevant parking fee has been paid.

council means the council of a local government area.

coupon parking area has the same meaning as in rule 207-5 of the [Road Rules 2008](#).

coupon parking scheme means a scheme of the kind established in accordance with Division 3 of Part 4.

coupon parking space has the same meaning as in rule 207-6 of the [Road Rules 2008](#).

declared organisation means a body constituted by or under an Act or a Government Department specified in Column 1 of Schedule 3.

disabled person means a person:

- (a) who is unable to walk because of permanent or temporary loss of the use of one or both legs or other permanent medical or physical condition, or
- (b) whose physical condition is detrimentally affected as a result of walking 100 metres, or
- (c) who requires the use of crutches, a walking frame, callipers, scooter, wheelchair or other similar mobility aid.

goods vehicle means:

- (a) a station wagon, or
- (b) a vehicle constructed principally for the conveyance of goods.

heavy goods vehicle means a goods vehicle that is not a light goods vehicle.

light goods vehicle means a goods vehicle that comprises a station wagon or a motor bike combination.

loading zone ticket means a ticket issued by or on behalf of the Authority (by means of a loading zone ticket machine) for display in or on a goods vehicle.

loading zone ticket machine means a device designed to issue loading zone tickets, and includes the stand on which such a device is erected.

metered parking area has the same meaning as in rule 207-1 of the [Road Rules 2008](#).

metered parking scheme means a scheme of the kind established in accordance with Division 1 of Part 4.

metered parking space has the same meaning as in rule 207-1 of the [Road Rules 2008](#).

mobility parking scheme authority means an authority issued under Division 2 of Part 6.

money based coupon means a parking coupon that allows a person to park a vehicle in a coupon parking space for a period of time calculated by reference to:

- (a) the amount specified on the coupon as the parking fee that has been pre-paid for parking the vehicle in a coupon parking space, and
- (b) the relevant fee for the space.

motor bike means any motor vehicle that has 2 wheels or, if a sidecar or sidebox is attached to it, has 3 wheels and includes a motor tricycle.

motor lorry means any motor vehicle (whether or not in combination with any trailer) that is constructed principally for the conveyance of goods or merchandise or for the conveyance of any kind of materials used in any trade, business or industry, or for use in any work other than the conveyance of persons, but does not include a motor bike or a tractor.

motor tricycle means any motor vehicle with 3 wheels and having a GVM of one tonne or less.

multi-space parking meter means a parking meter that applies to more than one metered parking space.

park has the same meaning as it has in the [Road Rules 2008](#).

parking authority means a council or a declared organisation.

parking coupon means a voucher, card or similar article issued by a parking authority (otherwise than by means of a parking ticket machine) for display in or on a vehicle as evidence of the pre-payment of a parking fee.

parking meter means a device designed to indicate, or capable of indicating, whether the fee determined by the parking authority concerned in respect of any vehicle parking in a metered parking space to which the device applies has been paid, and includes the stand on which such a device is erected.

parking permit means a permit issued under clause 124.

parking ticket means a ticket issued by a parking authority (by means of a parking ticket machine) for display in or on a vehicle as evidence of the pre-payment of a parking fee.

parking ticket machine means a device designed to issue parking tickets, and includes the stand on which such a device is erected.

pay parking area means a coupon parking area, a phone parking area, a metered parking area or a ticket parking area.

pay parking device means a device referred to in clause 101 (2) (d) or 107 (2) (d).

pay parking scheme means a metered parking scheme, a phone parking scheme, a coupon parking scheme or a ticket parking scheme.

permissive parking sign means a traffic sign of the kind referred to in rule 204 of the [Road Rules 2008](#).

phone parking area has the same meaning as in rule 207-8 of the [Road Rules 2008](#).

phone parking scheme means a scheme of a kind established in accordance with Division 3A of Part 4.

phone parking space has the same meaning as in rule 207-9 of the [Road Rules 2008](#).

phone payment scheme means a scheme for payment of parking fees by mobile phone that is approved by the Authority and adopted by a parking authority under Division 3A of Part 4 for the purposes of a phone parking scheme.

prime mover means a motor vehicle built to tow a semi-trailer.

public passenger service has the same meaning as it has in the [Passenger Transport Act 1990](#).

regular passenger service has the same meaning as it has in the [Passenger Transport Act 1990](#).

relevant parking fee, in relation to the parking of a vehicle in a pay parking space or area, means the fee for parking a vehicle in the space or area, for the day and time during which the vehicle is parked in the space or area, as indicated on:

- (a) the parking meter or ticket machine for the space (in relation to a metered parking space or a ticket parking space), or
- (b) the permissive parking signs or coupon parking signs for the space (in relation to a coupon parking space), or
- (c) the phone parking signs, or the parking meter or ticket machine, for the area or space (in relation to a phone parking area or a phone parking space).

road—see clause 3 (2).

road related area—see clause 3 (2).

semi-trailer means a trailer (including a pole-type trailer) that has:

- (a) one axle group or single axle towards the rear, and
- (b) a means of attachment to a prime mover that would result in some of the load being imposed on the prime mover.

sidecar means any car, box or other receptacle attached to the side of a motor bike and for the carriage of which a third wheel is provided.

single axle means one axle, or 2 axles the centrelines of which are less than 1 metre apart.

smart card means a stored-value card keeping a record of financial transactions made using the card.

special event parking area has the same meaning as in rule 205A-1 of the [Road Rules 2008](#).

station wagon has the same meaning as it has in the [Road Transport \(Vehicle Registration\) Regulation 2007](#).

tandem axle group means a combination of 2 axles, the centrelines of which are not less than 1 metre and not more than 2 metres apart.

the Act means the [Road Transport \(Safety and Traffic Management\) Act 1999](#).

third edition ADR has the same meaning as in the [Road Transport \(Vehicle Registration\) Regulation 2007](#).

ticket-operated loading zone has the same meaning as in rule 179-1 of the [Road Rules 2008](#).

ticket parking area has the same meaning as in rule 207-3 of the [Road Rules 2008](#).

ticket parking scheme means a scheme of the kind established in accordance with Division 2 of Part 4.

ticket parking space has the same meaning as in rule 207-4 of the [Road Rules 2008](#).

time based coupon means a parking coupon that allows a person to park a vehicle in a coupon parking space for the period of time specified on the coupon.

tractor means any motor vehicle constructed principally for the purpose of supplying motive power for machinery or of hauling any vehicle, but that is not capable of carrying any loading (other than tools, spare parts, fuel, water, oil, or other accessories necessary for use in connection with the vehicle) or any part of the weight of a vehicle being drawn or its loading.

traffic sign has the same meaning as it has in the [Road Rules 2008](#).

tri-axle group means a combination of 3 axles the centrelines of the extreme axles of which are not less than 2 metres and not more than 3.2 metres apart.

twin steer axle group means a tandem axle group consisting of 2 single-tyred axles connected to the same steering system, that are fitted to a rigid vehicle or a prime mover.

vehicle, in Part 4, includes a horse.

(2) A reference in this Regulation to a **road** includes a reference to a road related area.

Note—

The terms **road** and **road related area** are defined in the Act.

(3) In this Regulation, an abbreviation or symbol specified in Schedule 1 to the [Road Rules 2008](#) has the same meaning as it has in that Schedule.

(4) (Repealed)

4 Notes

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

Note—

For the purposes of comparison, a number of provisions of this Regulation contain bracketed notes in headings drawing attention (“cf”) to equivalent or comparable, though not necessarily identical, provisions of Acts and other Regulations. Abbreviations in the notes include:

- Traffic Act: *Traffic Act 1909* (as in force immediately before its repeal)
- GTR: *General Traffic Regulations 1916* (as in force immediately before the repeal of the Regulations)
- MLA: *Road Transport (Mass, Loading and Access) Regulation 2005*
- MTR: *Motor Traffic Regulations 1935* (as in force immediately before the repeal of the Regulations)

Part 2

5-37 (Repealed)

Part 3 Responsibility for certain vehicle use

38 Causing, permitting or allowing certain 4.5 tonne vehicles and combinations to be driven in excess of 100 kilometres per hour

- (1) A person (other than a driver) must not cause, permit or allow a vehicle with a GVM over 4.5 tonnes or a vehicle and trailer combination with a GCM over 4.5 tonnes to be driven on a road at a speed in excess of 100 kilometres per hour.

Maximum penalty:

- (a) in the case of a vehicle that is a heavy motor vehicle (within the meaning of rule 10-2 of the *Road Rules 2008*) or coach—30 penalty units, or
- (b) in any other case—20 penalty units.

Note—

A driver who drives such vehicles in excess of 100 kilometres per hour will commit an offence under rule 20 of the *Road Rules 2008*. See also rules 21 (2) and 25 (3) (a) of those Rules.

- (2) In this clause:

vehicle, **trailer** and **combination** have the same meanings as in the *Road Rules 2008*.

39-42 (Repealed)

43 Use of vehicle that drops waste oil or grease

The responsible person for a motor vehicle or trailer (other than the driver) must not cause, permit or allow or fail to take reasonable precautions to prevent a contravention of rule 291-2 of the *Road Rules 2008*.

Maximum penalty: 20 penalty units.

Note—

Rule 291-2 of the *Road Rules 2008* provides that the driver of a motor vehicle or trailer must not drive the vehicle without adequate precautions being taken to prevent waste oil or grease from the machinery, or from any other part, of the vehicle from dropping on the roadway.

44-46 (Repealed)

47 Use of motor bike sidecars

- (1) The responsible person for a motor bike that is ridden with a passenger in a sidecar must not cause, permit or allow or fail to take reasonable precautions to prevent a contravention of rule 271 of the *Road Rules 2008* in relation to how persons travel in the sidecar.

Maximum penalty: 20 penalty units.

Note—

Rule 271 of the *Road Rules 2008* provides for how persons are to ride motor bikes and travel in sidecars.

- (2) Subclause (1) does not apply to the rider of a motor bike or a passenger in a sidecar.

47A-47F (Repealed)

48 Number of vehicles that may be drawn together

A person (other than a driver) must not cause or permit a vehicle to be driven in contravention of rule 294-1 (1) of the *Road Rules 2008*.

Maximum penalty: 20 penalty units.

Note—

Rule 294-1 of the *Road Rules 2008* provides that (subject to certain exceptions) a driver must not drive any of the following vehicles unless written permission is first obtained from the Commissioner of Police and all conditions of the permission are strictly complied with:

- (a) an articulated vehicle towing any motor vehicle, trailer or other vehicle,
- (b) any other motor vehicle towing more than one motor vehicle, trailer or other vehicle.

49-54 (Repealed)

55 Use of lights on vehicles generally

A person (other than a driver) must not cause or permit a light or other device fitted to a vehicle to be used in contravention of rule 218-1 of the *Road Rules 2008*.

Maximum penalty: 20 penalty units.

Note—

A driver who uses a light or other device fitted to the driver's vehicle in contravention of rule 218-1 of the *Road Rules 2008* will also commit an offence under that rule.

56 Use of crimson flashing warning lights on certain local council vehicles

- (1) A person (other than a driver) must not cause or permit any crimson flashing warning light permitted to be fixed to a motor vehicle by clause 124 (4)–(9) of Schedule 2 to the *Road Transport (Vehicle Registration) Regulation 2007* to be used unless the vehicle is being used by an employee of a council for the purposes of enforcing excess weight limits legislation.

Maximum penalty: 20 penalty units.

Note—

See rule 221-1 (1) of the *Road Rules 2008* for the corresponding offence in relation to drivers.

- (2) In this rule:

excess weight limits legislation means any of the following:

- (a) Chapter 3 of the *Road Transport (General) Act 2005*,
- (b) the *Road Transport (Mass, Loading and Access) Regulation 2005*.

57 (Repealed)

58 Use of lights on stationary vehicles

- (1) A person (other than a driver) must not cause or permit a motor vehicle or trailer to stand on a road during a period of darkness unless the rear light and any clearance or side marker light required to be fitted to the vehicle by Schedule 2 to the *Road Transport (Vehicle Registration) Regulation 2007* are lighted.

Maximum penalty: 20 penalty units.

Note—

See rule 220-1 (1) of the *Road Rules 2008* for the corresponding offence in relation to drivers of motor vehicles.

- (2) Subclause (1) does not apply to the standing of a vehicle on a length of road with street lighting that renders a motor vehicle or trailer clearly visible.
- (3) A person (other than a driver) must not cause or permit a motor vehicle to stand on a road during a period of darkness with its headlight lighted while the vehicle is not actually engaged in dropping off, or picking up, passengers.

Maximum penalty: 20 penalty units.

Note—

See rule 220-1 (3) of the *Road Rules 2008* for the corresponding offence in relation to drivers of motor vehicles.

(4) In this clause:

period of darkness has the same meaning as in the *Road Rules 2008*.

59 Carriage of dangerous goods in prohibited areas

(1) A person (other than a driver) must not cause, permit or allow the use of a dangerous goods transporter on or in any prohibited area.

Maximum penalty: 20 penalty units.

Note—

Rule 300-2 of the *Road Rules 2008* provides that the driver of a dangerous goods transporter must not use the vehicle on or in certain prohibited areas.

(2) The Commissioner of Police may issue a permit (whether with or without conditions) authorising a dangerous goods transporter to be used in a prohibited area.

(3) A person does not commit an offence against subclause (1) if the dangerous goods transporter is:

(a) displaying a permit issued under subclause (2) authorising it to be used in the prohibited area concerned, and

(b) used in accordance with any conditions on which the permit was issued.

(4) The holder of a permit issued under subclause (2) who, without lawful excuse, contravenes a condition of the permit is guilty of an offence.

Maximum penalty: 20 penalty units.

(5) A permit issued under clause 59 of this Regulation that was in force immediately before the commencement of this clause continues in force (subject to its conditions) as a permit for the purposes of this clause, unless it is revoked by the Commissioner of Police.

(6) Terms or expressions used in this clause that are defined for the purposes of rule 300-2 of the *Road Rules 2008* have the same meanings as in that rule.

60-86 (Repealed)

87 Use of lengthy vehicles in central Sydney and on certain other roads

(1) A person (other than a driver) must not cause or permit a lengthy vehicle to be driven in contravention of rule 300-3 of the *Road Rules 2008*.

Maximum penalty: 20 penalty units.

Note—

Rule 300-3 of the *Road Rules 2008* provides that the driver of a lengthy vehicle must not, unless written

permission is first obtained from the Authority and all the conditions of the permission are strictly complied with, drive the vehicle during certain times on weekdays in specified parts of central Sydney and other roads.

- (2) In this clause, **lengthy vehicle** has the same meaning as in rule 300–3 of the [Road Rules 2008](#).

88 (Repealed)

89 Prohibition on car minding (cf MTR, r 57)

- (1) The Commissioner of Police may, by written notice served on a person, prohibit the person from:
- (a) parking, minding, caring for, or taking charge of any motor vehicle or trailer (other than a motor vehicle or trailer of which the person is the driver) on any road, or
 - (b) offering his or her services for any such purpose.
- (2) A person on whom a notice under subclause (1) has been served must comply with any prohibition in the notice.

Maximum penalty: 20 penalty units.

- (3) Nothing in this clause authorises the Commissioner of Police:

- (a) to prohibit the proprietor of a parking station or parking area from parking, minding, caring for, or taking charge of a motor vehicle or trailer in or on any parking station or parking area, or
- (b) to prohibit the proprietor of a parking station or parking area from offering the proprietor's services for any such purpose,

whether by the display or publication of any advertisement in relation to the parking station or parking area or otherwise and whether the services are performed or offered to be performed by the proprietor or by an employee of the proprietor.

90 Inspection of driver licences by responsible persons (cf MTR, rr 64 (a) and 87)

- (1) The responsible person for or the person in charge of a motor vehicle must, before permitting any other person to drive the vehicle, cause the driver licence issued to the person to be produced to the responsible person or person in charge and inspect the licence.

Maximum penalty: 20 penalty units.

Note—

Rule 300–5 of the [Road Rules 2008](#) makes it an offence for the driver of a motor vehicle not to carry his or her driver licence.

(2) (Repealed)

91 Responsible person's consent (cf MTR, r 88)

The person in charge of a motor vehicle or trailer on a road must not permit any person to drive or use the vehicle without the consent of the responsible person for the vehicle.

Maximum penalty: 20 penalty units.

92 Parents not to cause or permit children to drive on roads (cf Traffic Act, s 6B, MTR, r 34A)

(1) Any parent of a child must not cause or permit the child to drive a motor vehicle on a road.

Maximum penalty: 20 penalty units.

(2) Subclause (1) does not apply to a parent of a child if the Authority:

- (a) has granted a driver licence to the child under the *Road Transport (Driver Licensing) Act 1998*, or
- (b) has issued a learner licence to the child under the *Road Transport (Driver Licensing) Act 1998*.

(3) In this clause:

child means a person who has not attained the age of 16 years and 9 months.

parent of a child includes a person having parental responsibility (within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*) for the child.

93 School buses (cf MTR, r 136)

(1) (Repealed)

(2) In this clause, a reference to the driving of a bus for school purposes is a reference to the driving of a bus that:

- (a) is being used solely or principally for the conveyance of children to or from school, and
- (b) is being so used on a journey wholly outside a transport district (within the meaning of the *Transport Administration Act 1988*).

(3) The owner of a bus must, before permitting any person to drive the bus for school purposes:

- (a) attach to the bus 2 signs complying with subclause (5), or
- (b) provide for use by the driver 2 signs complying with subclause (5) and the means of attaching the signs to the bus.

Maximum penalty: 20 penalty units.

(4) (Repealed)

(5) The signs referred to in subclause (3) must contain the words "School Bus" in block letters:

(a) not less than:

(i) 100 mm high in the case of the sign to be displayed at the front of a bus, and

(ii) 120 mm high in the case of the sign to be displayed at the rear of a bus, and

(b) in black lettering on a fluorescent yellow background.

(6) (Repealed)

(7) This clause does not apply to a vehicle that is operated in accordance with clause 94.

94 Warning signs and lights for school buses (cf MTR, r 136A)

(1) In this clause:

warning system means a system of signs and flashing lights that is designed to warn motorists of the presence of children on a bus and that complies with the requirements of the technical specification approved by the Authority from time to time for the purposes of this clause.

(2) The owner of a bus must not permit any person to drive the bus for school purposes on a road unless a warning system is attached to the bus.

Maximum penalty: 20 penalty units.

(3)-(5) (Repealed)

(6) This clause does not apply to a bus:

(a) that is operating on charter for a school excursion or being used for community service activities, and

(b) where no individual fares are being directly collected or school passes used.

(7) This clause does not apply:

(a) to the owner of a bus whom the Authority exempts from compliance with this clause.

(b) (Repealed)

(8) The Authority is to make any approved technical specification available on request.

- (9) For the purposes of this clause, a bus is driven or used for school purposes if:
- (a) it is being used to convey children (whether with or without adult passengers) to or from school:
 - (i) between 7.00 am and 9.30 am on a weekday, or
 - (ii) between 2.30 pm and 5.00 pm on a weekday, or
 - (b) it is used solely for the purpose of conveying children to or from school.

95 Safety provisions for buses first registered on or after 1 August 1997 (cf MTR, r 136B)

- (1) This clause applies to any bus used by an accredited service operator to operate any regular passenger service within the meaning of the *Passenger Transport Act 1990* and first registered on or after 1 August 1997.

- (2) In this clause:

bus door safety system means a bus door system installed on a bus that:

- (a) is designed to prevent, without driver intervention, entrapment of persons by the closing of the doors, and
- (b) complies with the requirements of any technical specification approved by the Authority for the purposes of this clause.

field of view system means a system installed on a bus that:

- (a) provides the driver of the bus with an adequate view of the doorways of the bus, and
- (b) complies with the requirements of the technical specification approved by the Authority for the purposes of this clause.

safety padding means padding that:

- (a) is affixed to handrails, the top and back of seats, and partitions on buses, including raised items that are part of, or are affixed to, seats and partitions, and
- (b) complies with the requirements of the technical specification approved by the Authority for the purposes of this clause.

- (3) The owner of a bus must not permit any person to drive the bus on a road unless the bus is fitted with:
- (a) a bus door safety system, and
 - (b) safety padding, and
 - (c) a field of view system.

Maximum penalty: 20 penalty units.

- (4) A person must not drive a bus on a road unless the bus is fitted with:
- (a) a bus door safety system, and
 - (b) safety padding, and
 - (c) a field of view system.

Maximum penalty: 20 penalty units.

- (5) A requirement of subclause (3) or (4) does not apply:
- (a) to the owner of a bus whom the Authority exempts in writing from compliance with the requirement, and
 - (b) to the driver of a bus, the owner of which has been exempted under paragraph (a).
- (6) The Authority is to make any technical specification approved for the purposes of this clause available on request.

96 Door requirements for buses registered before 1 August 1997 (cf MTR, r 136C)

- (1) This clause applies to buses fitted with driver controlled doors and first registered before 1 August 1997.
- (2) The owner of a bus to which this clause applies must not permit a person to drive a bus on a road unless the steady force applied to any object located up to 1500mm above the door step when the door of the bus is closing does not exceed 150 newtons when measured between 20mm and 300mm from the door's fully closed position.

Maximum penalty: 20 penalty units.

- (3) A person must not drive a bus to which this clause applies on a road unless the steady force applied to any object located up to 1500mm above the door step when the door of the bus is closing does not exceed 150 newtons when measured between 20mm and 300mm from the door's fully closed position.

Maximum penalty: 20 penalty units.

- (4) Despite subclauses (2) and (3), the steady force applied to any object located up to 1500mm above the door step when the door of the bus is closing may, if a steady force of 150 newtons results in the door not working properly, be increased to a steady force that enables the door to work properly. However, it must not, in any case, be increased to more than 400 newtons.

96A, 96B (Repealed)

Part 4 Pay parking schemes

Division 1 Metered parking schemes

97 Metered parking schemes (cf Traffic Act, s 10R)

- (1) A parking authority may establish and operate metered parking schemes for any road within its area of operations.
- (2) For the purposes of any such scheme, a parking authority:
 - (a) may, in accordance with Authority guidelines, set aside metered parking spaces in any road within its area of operations, and
 - (b) may fix the fees for the parking of a vehicle in any such space, and
 - (c) may install parking meters for use in connection with the payment of such fees.
- (3) In the case of a council, the fees for parking in metered parking spaces are to be fixed by resolution of the council.
- (4) In the case of a declared organisation, the fees for parking in metered parking spaces are to be fixed in accordance with pricing principles set out in Authority guidelines.
- (5) Different fees may be fixed for different metered parking spaces and for different days and different times of day.
- (6) A parking meter may only be installed at the space to which it applies or, if one parking meter applies to more than one space, in the immediate vicinity of those spaces.
- (7) A metered parking scheme must facilitate the payment of fees for parking in cash (notes or coins, or both).
- (8) Subject to subclause (7), a metered parking scheme may provide for other methods of payment of fees for parking in accordance with Authority guidelines.
- (9) A parking authority may establish and operate on a trial basis, in accordance with the approval of the Authority (and any conditions of that approval), a metered parking scheme that does not facilitate the payment of fees for parking in cash, despite subclause (7). In such a case, the parking scheme may provide for such methods of payment of fees for parking as accord with the approval of the Authority (and any conditions of that approval).

Note—

Rules 207-1 and 207-2 of the [Road Rules 2008](#) make provision for parking in metered parking areas. Clause 3 (1) defines a **metered parking area** and **metered parking space** to have the same meanings as in rule 207-1.

98 Metered parking areas (cf MTR, r 91D)

- (1) A parking authority may set aside the whole or any part of a road in its area of operations as a metered parking area.

Note—

Rules 207-1 and 207-2 of the *Road Rules 2008* make provision for parking in metered parking areas. Clause 3 (1) defines a **metered parking area** and **metered parking space** to have the same meanings as in rule 207-1.

- (2) (Repealed)

99 Parking meters (cf MTR, r 91F)

- (1) The parking meter for a metered parking space must indicate:
 - (a) the fees (if any) fixed for the space under this Division, and
 - (b) that the fee may be paid using cash (notes or coins, or both) and the denomination of notes or coins that may be used to pay the fee by that method, and
 - (c) any other method that may be used to pay the fee for parking, such as the use of a smart card or another device, and how to use that method of payment.
 - (d) (Repealed)
- (2) A parking meter must clearly show the status of the metered parking space or spaces that it controls and, in the case of a multi-space parking meter, must identify each metered parking space by its number.
- (3) Subclause (1) (b) does not apply in respect of a parking meter that does not permit payment of the fee in cash (if the meter is used in connection with a scheme operated on a trial basis as referred to in clause 97 (9)).

100 Misuse of parking meters

A person must not:

- (a) insert in a parking meter anything other than cash (notes or coins) or other means of payment, such as a smart card, as specified on the meter, or
- (b) deface any parking meter or affix anything (such as advertising matter) to any parking meter.

Maximum penalty: 20 penalty units.

100A Damage to parking meters

A person must not:

- (a) damage a parking meter, or
- (b) do anything that interferes with (or is likely to interfere with) the proper working of a parking meter, or
- (c) fraudulently operate a parking meter.

Maximum penalty: 20 penalty units.

100B Temporary closure of metered parking space

- (1) A parking authority may, if it decides that the use of a metered parking space should be temporarily discontinued, close the space.
- (2) A metered parking space is closed for the purposes of subclause (1) if a sign displaying words to the effect that the space is temporarily closed is erected in, or in close proximity to, the space.

Note—

A driver who parks in a space that is temporarily closed under this clause may commit an offence under rule 207-7 of the [Road Rules 2008](#).

Division 2 Ticket parking schemes

101 Ticket parking schemes (cf MTR, rr 91L (1) and 91M)

- (1) A parking authority may, in accordance with Authority guidelines, establish and operate a ticket parking scheme for any road within its area of operations.
- (2) For the purposes of any such scheme, a parking authority:
 - (a) may, in accordance with Authority guidelines, set aside as a ticket parking area the whole or any part of any road within its area of operations, and
 - (b) may fix the fees for the parking of vehicles in any such area, and
 - (c) (Repealed)
 - (d) may install devices for use in connection with the payment of such fees.
- (3) In the case of a council, the fees for parking in a ticket parking area are to be fixed by resolution of the council.
- (4) In the case of a declared organisation, the fees for parking in a ticket parking area are to be fixed in accordance with pricing principles set out in Authority guidelines.
- (5) Different fees may be fixed for different ticket parking areas and for different days and different times of day.
- (6) A ticket parking scheme must facilitate the payment of fees for parking in cash (notes

or coins, or both).

- (7) Subject to subclause (6), a ticket parking scheme may provide for other methods of payment of fees for parking in accordance with Authority guidelines.
- (8) A parking authority may establish and operate on a trial basis, in accordance with the approval of the Authority (and any conditions of that approval), a ticket parking scheme that does not facilitate the payment of fees for parking in cash, despite subclause (6). In such a case, the parking scheme may provide for such methods of payment of fees for parking as accord with the approval of the Authority (and any conditions of that approval).

Note—

Rules 207-3 and 207-4 of the *Road Rules 2008* make provision for parking in ticket parking areas. Clause 3 (1) defines a **ticket parking area** and **ticket parking space** to have the same meanings as in rules 207-3 and 207-4 respectively.

102 Use of false or damaged parking tickets

A person must not display in or on a vehicle that is parked in a ticket parking area:

- (a) any article or thing resembling a parking ticket that falsely suggests that the relevant parking fee has been paid, or
- (b) any parking ticket that is altered, defaced, mutilated or illegible.

Maximum penalty: 20 penalty units.

103 Misuse of ticket machines

A person must not:

- (a) insert in a parking ticket machine anything other than cash (notes or coins) or other means of payment, such as a smart card, as specified on the machine, or
- (b) deface any parking ticket machine or affix anything (such as advertising matter) to any ticket machine.

Maximum penalty: 20 penalty units.

103A Temporary closure of ticket parking areas and spaces

- (1) A parking authority may, if it decides that the use of a ticket parking area or ticket parking space should be temporarily discontinued, close the area or space.
- (2) A ticket parking area or ticket parking space is closed for the purposes of subclause (1) if a sign displaying words to the effect that the area or space is temporarily closed is erected in, or in close proximity to, the area or space.

Note—

A driver who parks in a space or area that is temporarily closed under this clause may commit an offence under rule 207-7 of the *Road Rules 2008*.

104 Parking ticket machines

- (1) The parking ticket machine for a ticket parking area must indicate:
 - (a) the fees (if any) fixed for the area under this Division, and
 - (b) that the fee may be paid using cash (notes or coins, or both) and the denomination of notes or coins that may be used to pay the fee by that method, and
 - (c) any other method that may be used to pay the fee for parking, such as the use of a smart card or another device, and how to use that method of payment.
- (2) Subclause (1) (b) does not apply in respect of a parking ticket machine that does not permit payment of the fee in cash (if the ticket machine is used in connection with a scheme operated on a trial basis as referred to in clause 101 (8)).

105 Parking tickets (cf MTR, r 91P)

- (1) The following information must be printed on a parking ticket:
 - (a) the day of the week,
 - (b) the date (expressed as the day of the month, the month and the year),
 - (c) the expiry time (expressed in hours and minutes),
 - (d) the name of the parking authority by which the ticket is issued,
 - (e) the ticket parking area code (if applicable),
 - (f) a serial number,
 - (g) instructions for use of the ticket.
- (2) A parking ticket must be legible and of a size and design that enables it to be easily displayed in or on a vehicle.

106 Duration of parking tickets (cf MTR, r 91Q)

A parking ticket takes effect on the date and time it is issued and expires on the date and time specified on the ticket as the date and time of its expiry.

Division 3 Coupon parking schemes

107 Coupon parking schemes (cf MTR, rr 91W (1) and 91X)

- (1) A parking authority may, in accordance with Authority guidelines, establish and operate a coupon parking scheme for any road within its area of operations.
- (2) For the purposes of any such scheme, a parking authority:
 - (a) may, in accordance with Authority guidelines, set aside as a coupon parking area the whole or any part of any road within its area of operations, and
 - (b) may fix the fees for the parking of vehicles in any such area, and
 - (c) may adopt such means of and schemes for payment of such fees as are approved from time to time by the Authority, and
 - (d) may install devices for use in connection with the payment of such fees (**pay parking devices**).
- (3) In the case of a council, the fees for parking in a coupon parking area are to be fixed by resolution of the council.
- (4) In the case of a declared organisation, the fees for parking in a coupon parking area are to be fixed in accordance with pricing principles set out in Authority guidelines.
- (5) Different fees may be fixed for different coupon parking areas and for different days and different times of day.

Note—

Rules 207-5 and 207-6 of the [Road Rules 2008](#) make provision for parking in coupon parking areas. Clause 3 (1) defines a **coupon parking area** and **coupon parking space** to have the same meanings as in rules 207-5 and 207-6 respectively.

108 Use of false or damaged parking coupons

A person must not display in or on a vehicle that is parked in a coupon parking area:

- (a) any article or thing resembling a parking coupon that falsely suggests that the relevant parking fee has been paid, or
- (b) any parking coupon that is altered, defaced, mutilated or illegible.

Maximum penalty: 20 penalty units.

109 Temporary closure of coupon parking areas and spaces

- (1) A parking authority may, if it decides that the use of a coupon parking area or coupon parking space should be temporarily discontinued, close the area or space.

- (2) A coupon parking area or coupon parking space is closed for the purposes of subclause (1) if a sign displaying words to the effect that the area or space is temporarily closed is erected in, or in close proximity to, the area or space.

Note—

A driver who parks in a space or area that is temporarily closed under this clause may commit an offence under rule 207-7 of the *Road Rules 2008*.

110 Parking coupons (cf MTR, r 91Z)

- (1) A parking authority may issue pre-paid parking coupons, either time or money based, to be used for coupon parking areas within the parking authority's area of operations during the controlled parking hours.
- (2) The following information must be printed on a parking coupon:
- (a) the name of the coupon parking scheme in connection with which the coupon may be used,
 - (b) the amount of money that has been paid for parking in coupon parking areas to which that scheme applies (in the case of a money based coupon) or the amount of time for which a vehicle may be parked in such an area (in the case of a time based coupon),
 - (c) a serial number,
 - (d) instructions for use of the coupon.
- (3) A parking coupon must be legible and of a size and design that enables it to be easily displayed in or on a vehicle.
- (4) A parking coupon must be so designed or manufactured as to enable a person to indicate on the coupon the date and time on which the coupon is to take effect.

111 Duration of parking coupons (cf MTR, r 91AA)

- (1) A parking coupon (whether time based or money based) takes effect on the date and time indicated on the coupon (in the manner indicated by the instructions on the coupon) as the date and time on which it takes effect.
- (2) A money based coupon expires at the end of the period of time for which it is in force, calculated by reference to:
- (a) the date and time indicated on the coupon as the date and time on which it took effect, and
 - (b) the parking fee specified on the coupon as having been pre-paid, and
 - (c) the relevant parking fee for the coupon parking area in connection with which it is

used, as indicated on the coupon parking signs by which the area is designated.

- (3) A time based coupon expires at the end of the period of time that it is in force, calculated by reference to:
 - (a) the date and time indicated on the coupon as the date and time on which it took effect, and
 - (b) the time specified on the coupon as the time for which the coupon remains in force.

Division 3A Phone parking schemes

111A Phone parking schemes

- (1) A parking authority may, in accordance with Authority guidelines, establish and operate a phone parking scheme for the whole or any part of any road within its area of operations on which is operating a metered parking scheme, a ticket parking scheme or a coupon parking scheme.
- (2) For the purposes of any such phone parking scheme, a parking authority:
 - (a) may, in accordance with Authority guidelines:
 - (i) set aside also as a phone parking area, the whole or any part of a metered parking area, a ticket parking area or a coupon parking area, that is within its area of operations, and
 - (ii) set aside also as a phone parking space, any metered parking space, ticket parking space or coupon parking space, and
 - (b) may fix the fees for the parking of a vehicle in any pay parking area, and
 - (c) may adopt such schemes for payment of such fees by mobile phone as are approved from time to time by the Authority.
- (3) In the case of a council, the fees for phone parking areas are to be fixed by resolution of the council.
- (4) In the case of a declared organisation, the fees for phone parking areas are to be fixed in accordance with pricing principles set out in Authority guidelines.
- (5) Different fees may be fixed for different phone parking areas and for different days and different times of day.

Note—

Rules 207-8 and 207-9 of the [Road Rules 2008](#) make provision for parking in phone parking areas and spaces. Clause 3 (1) defines a **phone parking area** and **phone parking space** to have the same meanings as in rules 207-8 and 207-9, respectively.

111B Display of information relating to phone parking

The following information must be displayed clearly on phone parking signs for a phone parking area, or on a parking meter or a parking ticket machine for a parking space or area that is also designated as a phone parking space or phone parking area:

- (a) a location number and phone number for the phone parking scheme,
- (b) such other information as may be set out in the Authority guidelines for the purposes of this clause.

111C Temporary closure of phone parking areas and spaces

- (1) A parking authority may, if it decides that the use of a phone parking area or phone parking space should be temporarily discontinued, close the area or the space.
- (2) A phone parking area or phone parking space is closed for the purposes of subclause (1) if a sign displaying words to the effect that the area or space is temporarily closed is erected in, or in close proximity to, the area or space.

Note—

A driver who parks in a space or area that is temporarily closed under this clause may commit an offence under rule 207-7 of the *Road Rules 2008*.

111D Duration of parking in phone parking areas and spaces

A phone parking period takes effect on the date and at the time the parking period is initiated by mobile phone in accordance with the protocols of the provider of the phone payment scheme and expires when the session is ended in accordance with those protocols.

Division 4 Miscellaneous

112 Councils' common pay parking schemes (cf Traffic Act, s 10U)

- (1) A council may, in accordance with Authority guidelines, agree with one or more other councils concerning the operation of ticket parking schemes, phone parking schemes or coupon parking schemes on a common payment basis.
- (2) The councils must, by resolution, fix fees on a common basis that are to be charged for parking in the ticket parking areas, phone parking areas or coupon parking areas covered by the agreement.

113 Authority guidelines and approval (cf Traffic Act, ss 10R (4), 10T (6) and 10V)

- (1) The Authority may, by order in writing, establish guidelines for the purposes of this Part.
- (2) To the extent that a provision of this Regulation requires a parking authority to comply

with an Authority guideline or approval given under clause 97, 101, 107 or 111A, the parking authority is not entitled to provide or charge for parking in a metered space, a phone parking area, a ticket parking area or a coupon parking area if it fails to comply with the guideline or approval.

- (3) For the purposes of this clause, a parking authority is taken to have complied with an Authority guideline or approval until the contrary is proved.

114 Other powers to provide pay parking (cf Traffic Act, s 10VA)

- (1) Nothing in this Part affects any other power of a parking authority to provide for parking on land within its area of operations.
- (2) A parking authority may exercise any power under this Part in relation to land that it does not own, but only with the consent of the owner of the land.
- (3) Such consent may be given subject to terms and conditions, including terms in relation to the duration and revocation of that consent.
- (4) Subject to any such terms, such consent may be revoked only after the giving of reasonable notice.

115 Overlapping schemes

- (1) Nothing in this Part prevents a parking authority from establishing and operating a pay parking scheme on any part of a road on which it is operating any other pay parking scheme.
- (2) The parking authority may not recover the fee fixed in respect of any vehicle parking in a metered space, a ticket parking area, a phone parking area or a coupon parking area if any other applicable parking fee has been paid.

116 Application of money from parking (cf Traffic Act, s 10VC)

- (1) The costs of administering a pay parking scheme operated by a parking authority under this Part are to be borne by the parking authority.
- (2) Those costs are taken to include the following:
 - (a) the cost of providing, controlling, maintaining and regulating metered spaces, and the parking meters installed in respect of those spaces,
 - (b) the cost of providing, controlling, maintaining and regulating pay parking,
 - (c) the cost of providing and maintaining signs or other devices and marking lines:
 - (i) to indicate the position of pay parking areas and pay parking spaces, or
 - (ii) to indicate the places in any road within the area of operations of the parking

authority concerned where a vehicle (other than a public vehicle) may park.

- (3) All fees that a parking authority collects in respect of the operation of pay parking belong to the parking authority, subject to clause 112.
- (4) Any surplus arising from the operation of pay parking may be applied at the discretion of the parking authority.
- (5) A parking authority must pay to the Authority such amount as is agreed on between the Authority and the parking authority in respect of the costs referred to in subclause (2) (c).

117 Disputes (cf Traffic Act, s 10VD)

- (1) Any dispute arising under this Part between a parking authority and the Authority is to be resolved by consultation between the Minister responsible for the parking authority and the Minister administering the Act or, if agreement cannot be reached, by the Premier.
- (2) Any dispute arising under this Part between 2 or more parking authorities is to be resolved:
 - (a) if the same Minister is responsible for each of those authorities, by that Minister, and
 - (b) in any other case, by consultation between the various Ministers responsible for those authorities or, if agreement cannot be reached, by the Premier.
- (3) In this section, a reference to the Minister responsible for a parking authority is a reference to:
 - (a) in the case of a council, the Minister administering the [Local Government Act 1993](#), and
 - (b) in the case of a declared organisation that is constituted by or under an Act, the Minister administering that Act, and
 - (c) in the case of a Government Department, the Minister responsible for that Department.

118 Trailers not separately chargeable (cf MTR, r 91FF)

Nothing in this Part requires a separate parking fee to be paid for a trailer drawn by another vehicle.

118A Powers of police in emergency

- (1) A police officer may, during a temporary obstruction or danger to traffic or in an emergency:

- (a) direct a person not to cause or permit any vehicle to park in any part of a pay parking area, or
 - (b) direct the responsible person for or driver of a vehicle parking in any part of a pay parking area to remove the vehicle from that part or (if no person appears to be in charge of the vehicle) to remove the vehicle from that part.
- (2) A person must not, without reasonable excuse, fail to comply with a direction under this clause.

Maximum penalty: 20 penalty units.

Part 5 Other parking schemes

Division 1 Ticket-operated loading schemes

119 Ticket-operated loading schemes (cf MTR, rr 91L (1) and 91VA)

- (1) The Authority may establish and operate a ticket-operated loading scheme for any road.
- (2) For the purposes of any such scheme, the Authority:
 - (a) may set aside as a ticket-operated loading zone the whole or any part of any road, and
 - (b) may install loading zone ticket machines for use in connection with the scheme.

Note—

Rule 179-1 of the [Road Rules 2008](#) makes provision for parking in ticket-operated loading zones. Clause 3 (1) defines a **ticket-operated loading zone** to have the same meaning as in that rule.

120 (Repealed)

121 Loading zone tickets (cf MTR, r 91VD)

- (1) The following information must be printed on a loading zone ticket:
 - (a) the name of the Authority as the body by or on whose behalf the ticket is issued,
 - (b) a serial number,
 - (c) instructions for use of the ticket,
 - (d) the day of the week on which the ticket is issued,
 - (e) the date (expressed as the day of the month, the month and the year) on which the ticket is issued,
 - (f) the different expiry times for heavy goods vehicles and light goods vehicles.

- (2) A loading zone ticket must be legible and of a size and design that enables it to be easily displayed in or on a goods vehicle.

121A Loading zone ticket machines and misuse of loading zone tickets

- (1) Tickets issued by a loading zone ticket machine are to be free of charge.
- (2) A loading zone ticket is to differentiate between heavy goods vehicles and light goods vehicles by specifying an expiry time that:
 - (a) in relation to a heavy goods vehicle, is 30 minutes after the time of its issue, and
 - (b) in relation to a light goods vehicle, is 15 minutes after the time of its issue.
- (3) A person must not:
 - (a) deface any loading zone ticket machine or affix anything (such as advertising material) to any loading zone ticket machine, or
 - (b) intentionally cause any loading zone ticket machine to produce more than one ticket on any one occasion (except for the purpose of obtaining a ticket that is not mutilated or illegible), or
 - (c) interfere with any loading zone ticket machine, unless lawfully authorised to do so.

Maximum penalty: 20 penalty units.

- (4) A person must not display in or on a goods vehicle that is parked in a ticket-operated loading zone:
 - (a) any article or thing resembling a loading zone ticket that falsely suggests that the goods vehicle is parked lawfully in the zone, or
 - (b) any loading zone ticket that is altered, defaced, mutilated or illegible.

Maximum penalty: 20 penalty units.

121B Temporary closure of ticket-operated loading zones

- (1) The Authority may, if it decides that the use of a ticket-operated loading zone should be temporarily discontinued, close the zone.
- (2) A ticket-operated loading zone is closed for the purposes of subclause (1) if a sign displaying words to the effect that the zone is temporarily closed is erected in, or in close proximity to, the zone.

Division 2 Special event parking schemes

122 Special event parking schemes (cf MTR, r 91CA (1))

- (1) The Authority may establish and operate a special event parking scheme for any road.
- (2) For the purposes of any such scheme, the Authority may set aside as a special event parking area the whole or any part of any road.

Note—

Rule 205A-1 of the *Road Rules 2008* makes provision for parking in special event parking areas. Clause 3 (1) defines a **special event parking area** to have the same meaning as in that rule.

123 (Repealed)

Divisions 3, 4

123A-123H (Repealed)

Part 6 Parking permits and mobility parking scheme authorities

Division 1 Parking permits

124 Parking permits (cf MTR, r 91CA)

- (1) A parking authority may issue a permit authorising the parking of a vehicle without charge or time restrictions in a parking space:
 - (a) located within a parking area or road specified in the permit, and
 - (b) designated by the parking authority for use by holders of such a permit.
- (2) The parking authority is to classify the permit in one of the following classes:
 - (a) business parking permits,
 - (b) commuter parking permits,
 - (c) resident parking permits,
 - (d) residents' visitor parking permits,
 - (e) special event parking permits,
 - (f) declared organisation parking permits.
- (3) A permit must specify the parking area or road to which it applies, the conditions to which it is subject and:
 - (a) in the case of a resident's visitor parking permit, the address of the resident who holds the permit, or

(b) in the case of any other permit, the registration number of the vehicle to which it relates.

(4) A parking authority must not issue a permit except in accordance with the guidelines issued by the Authority.

(5) For the purposes of this clause, a parking space is designated for use by a holder of a permit if the following words are displayed on, or next to, a traffic sign that designates the space as a parking space or designates the area in which the parking space is located as a parking area:

(a) for a declared organisation, business, commuter or special event parking permit, the words "PERMIT HOLDERS EXCEPTED",

(b) for a resident or resident's visitor parking permit, the words "PERMIT HOLDERS EXCEPTED" or "AUTHORISED RESIDENTS VEHICLES EXCEPTED".

(6) In this clause:

parking area means a pay parking area, permissive parking area or special event parking area.

permissive parking area means the part of a road to which a permissive parking sign applies.

Division 2 Mobility parking scheme authorities

Subdivision 1 Interpretation

125 Definitions

In this Division:

holder of a scheme authority, or an expired or revoked scheme authority, means the person or organisation to whom or to which the scheme authority has been or was issued.

interstate or overseas authority means a document issued by an authority of another State or Territory, or of a foreign country, to indicate:

(a) that a specified person is a disabled person who has the benefit of parking concessions in that State, Territory or country, or

(b) that a specified vehicle is used for the purpose of conveying disabled persons and has the benefit of parking concessions in that State, Territory or country.

mobility parking scheme means the scheme for the issue of scheme authorities set out in this Division.

organisation means a corporation or an unincorporated association of persons.

scheme authority means a mobility parking scheme authority issued under this Division.

Subdivision 2 Issue of scheme authorities

126 Authority may issue mobility parking scheme authorities

The Authority may, on application under this Division, issue a mobility parking scheme authority:

- (a) for use by a disabled person, or
- (b) for use by an organisation in connection with the conveyance of disabled persons.

126A Form of scheme authority

(1) A scheme authority must show:

- (a) a unique identifying number that has been allocated by the Authority, and
- (b) the full name of the holder of the scheme authority, and
- (c) the category of scheme authority issued, and
- (d) the expiry date of the scheme authority.

(2) A scheme authority may also show any of the following:

- (a) a photograph of the individual to whom it has been issued,
- (b) the date of birth of the individual to whom it has been issued,
- (c) the residential, business or other address for service of the holder of the scheme authority,
- (d) the signature (or a reproduction of the signature) of an individual to whom it has been issued,
- (e) any other information that the Authority considers appropriate.

(3) A scheme authority may be categorised and colour coded as follows:

- individual authority for disabled person—blue
- temporary authority for disabled person with temporary disability—red
- organisational authority for the conveyance of disabled persons—green

126B Conditions of scheme authorities

(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) A scheme authority is also subject to such other conditions as may be imposed on the holder of the scheme authority by the Authority.
- (3) A condition imposed by the Authority on a scheme authority under subclause (2) does not have effect until written notice of the condition is given to the holder of the scheme authority.

126C When scheme authority ceases to be in force

A scheme authority ceases to be in force on the expiry of the scheme authority unless it is sooner revoked by the Authority under this Division.

Subdivision 3 Applications for scheme authorities and collection and use of information

126D Procedure to obtain scheme authority

- (1) The applicant for a scheme authority must be:
 - (a) in the case of an application for a scheme authority for an individual—the individual or a person that the Authority is satisfied acts on behalf of the individual, or
 - (b) in the case of an application for a scheme authority for an organisation—an individual authorised in writing by the organisation (or the governing body of the organisation) to apply for the scheme authority on its behalf.
- (2) An applicant for the issue of a scheme authority must give the Authority:
 - (a) a completed application form in the form approved by the Authority, and
 - (b) particulars necessary to identify the applicant and the applicant’s residential or business address, including any evidence that the Authority may reasonably require to verify those particulars (for example, evidence of the person’s address on the electoral roll), and

- (c) where the applicant is making the application on behalf of an individual or organisation:
 - (i) such documents or other evidence of the applicant's authority to make the application as is specified by the application form or otherwise required by the Authority, and
 - (ii) particulars necessary to identify the individual or organisation on behalf of whom or which the application is made and the individual's or organisation's residential, business or other address for service, including any evidence that the Authority may reasonably require to verify those particulars (for example, evidence of the individual's address on the electoral roll), and
 - (d) any documents or other evidence (including medical certificates) specified by the application form, and
 - (e) the fee (if any) fixed under clause 126E for the category of scheme authority sought.
- (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.

126E Fees for applications for scheme authorities

- (1) The Authority may, by order published in the Gazette, fix fees, or amend or revoke fees, for services provided by the Authority in connection with the issue of scheme authorities.
- (2) Without limiting subclause (1):
 - (a) different fees may be fixed for different categories of authorities, and
 - (b) different fees may be fixed for different categories of applicants.
- (3) In fixing any fee under subclause (1), the Authority must have regard to the following matters:
 - (a) the costs (or estimated costs) associated with the establishment and administration of the mobility parking scheme over such period as the Authority may determine (the **specified administration period**),
 - (b) the actual or estimated number of applicants for scheme authorities and participants in the mobility parking scheme during the specified administration period,
 - (c) any increases in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

- (4) The Authority may in a particular case waive the requirement for a fee or reduce a fee.

126F Surrender of current or expired scheme authority if new authority obtained

- (1) If an applicant for a scheme authority holds a current scheme authority or possesses an expired scheme authority, the applicant must surrender that authority to the Authority before the issue of a new scheme authority.
- (2) Despite subclause (1), the Authority may exempt a person from surrendering a current or expired scheme authority if the Authority is satisfied that it would be unreasonable, in the circumstances, to require that authority to be surrendered.

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

126G Authority may require the taking of photographs

- (1) The Authority may (but need not) require an applicant for a scheme authority to have his or her photograph taken.
- (2) However, the Authority must not require an applicant for a scheme authority to have his or her photograph taken if the Authority is satisfied:
 - (a) the applicant is under 16 years of age, or
 - (b) the applicant suffers from a significant facial disfigurement, or
 - (c) the applicant cannot attend a motor registry to be photographed because of the severity of the applicant's disabilities.
- (3) For the purposes of making a determination under subclause (2) (b) or (c), the Authority may require the applicant to provide supporting documentation from a medical practitioner.

126H Purposes for which photographs may be kept and used

- (1) A photograph of a person taken for the purposes of this Division may be kept and used by the Authority only for one or more of the following purposes:
 - (a) to reproduce the likeness of the person on a scheme authority,
 - (b) to assist in determining the identity of the person in connection with an application for a new scheme authority,
 - (c) for the purpose of investigating the commission of, or conducting criminal proceedings for, an offence concerning parking or a scheme authority,
 - (d) any purpose for which a photograph to which Part 5 (Protection of stored photographs) of the *Road Transport (Driver Licensing) Act 1998* applies may be kept and used by the Authority under that Part,
 - (e) any purpose for which a photograph to which Part 4 (Security arrangements for photographs) of the *Photo Card Act 2005* applies may be kept and used by the Authority under that Part.
- (2) A photograph may be used for a purpose set out in this clause at the time that the photograph is provided or taken or at any later time.

126I Release of photographs prohibited

- (1) The Authority must ensure that a photograph taken for the purposes of this Division, and any photographic image or other matter contained in any database of such photographs, is not released except:
 - (a) to the NSW Police Force, or

- (b) to an authority of another State or Territory or a foreign country that has responsibility for issuing interstate or overseas authorities or for the enforcement of parking offences, or
 - (c) for the purpose of the conduct of any criminal proceedings for an offence concerning parking or a scheme authority, or
 - (d) to the Sheriff, for the purpose of any fine recovery proceedings, or
 - (e) as provided under any other law, or
 - (f) to the person whose likeness is shown in the photograph or on the database.
- (2) Any release authorised by subclause (1) (a)-(d) must be in accordance with any protocol approved by the Privacy Commissioner.

Subdivision 4 Use of scheme authorities

126J Relaxation of parking restrictions

Rule 206 of the *Road Rules 2008* extends the period during which a vehicle displaying a scheme authority may be parked on a road, or in an area, to which a permissive parking sign applies when the vehicle is being used for:

- (a) the conveyance of the disabled person to whom the scheme authority was issued, or
- (b) the conveyance of disabled persons by the organisation to which the scheme authority was issued.

126K Improper use of scheme authorities

- (1) A person in charge of a vehicle must not display a scheme authority in or on the vehicle in contravention of any condition of the scheme authority.
- (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.

Maximum penalty: 20 penalty units.

126L Reproducing, copying, defacing, altering or destroying scheme authorities

A person must not, without the permission of the Authority, reproduce, copy, deface, alter or destroy a scheme authority.

Maximum penalty: 20 penalty units.

126M Return of scheme authorities issued to individuals who have ceased to be disabled

persons

An individual who holds a scheme authority and who ceases to be a disabled person during the currency of the authority must, as soon as is reasonably practicable after ceasing to be a disabled person, return the scheme authority to the Authority.

Maximum penalty: 20 penalty units.

126N Production and confiscation of scheme authorities

(1) An authorised officer may direct the person in charge of a vehicle that is displaying a scheme authority or an interstate or overseas authority (or a document or other thing that purports to be such an authority) to remove the authority, document or thing from the vehicle and give it to the officer if:

(a) 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) the vehicle is parked contrary to a permissive parking sign.

(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) A person to whom a direction is given under subclause (1) must immediately comply with that direction.

Maximum penalty: 20 penalty units.

(3) In this clause, **authorised officer** means:

(a) a police officer, or

- (b) an authorised officer within the meaning of Part 8 of the *Road Transport (General) Regulation 2005*, other than an officer referred to in Schedule 2 of that Regulation as class 3 officer or a class 4 officer.

Subdivision 5 Expiry and revocation of scheme authorities

126O Expiry of scheme authorities

- (1) A scheme authority expires at the end of the day that is specified on the scheme authority as the expiry date for the authority.
- (2) The Authority may, by written notice given to the holder of an expired scheme authority, require the holder of the expired scheme authority to return it to the Authority.

Note—

Section 239 of the *Road Transport (General) Act 2005* makes provision for how notices to individuals and corporations under this Regulation may be given or served by the Authority. Clause 8 of the *Road Transport (General) Regulation 2005* makes provision for how notices to unincorporated associations for the purposes of this Division may be given or served by the Authority.

- (3) If a notice referred to in subclause (2) is given in relation to an expired scheme authority:
 - (a) where the holder of the expired scheme authority is an individual or an organisation that is incorporated—the individual or organisation must immediately return it to the Authority as soon as is reasonably practicable after receiving the notice, or
 - (b) where the holder of the expired scheme authority is an organisation that is unincorporated—the person in possession of the expired authority must immediately return it to the Authority as soon as is reasonably practicable after becoming aware that the notice has been given.

Maximum penalty (subclause (3)): 20 penalty units.

126P Revocation of scheme authorities

- (1) The Authority may at any time revoke a scheme authority:
 - (a) for a failure to comply with the conditions of the scheme authority, or
 - (b) for any other misuse of the scheme authority, or
 - (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
 - (c) for any other reason.
- (2) If the Authority decides to revoke a scheme authority, the Authority must give the

holder of the scheme authority written notice of:

- (a) the reasons for the proposed revocation, and
- (b) the action (if any) that must be taken by the holder of the scheme authority in order to avoid or reverse the revocation, and
- (b1) the right of the holder to appeal to the 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](#).

- (c) the date after service of the notice on which the revocation takes effect.

Note—

Section 239 of the [Road Transport \(General\) Act 2005](#) makes provision for how notices to individuals and corporations under this Regulation may be given or served by the Authority. Clause 8 of the [Road Transport \(General\) Regulation 2005](#) makes provision for how notices to unincorporated associations for the purposes of this Division may be given or served by the Authority.

- (3) A notice under subclause (2) must also state that the holder of the scheme authority will no longer be authorised to use the scheme authority on its revocation.
- (4) A scheme authority is revoked in accordance with the terms of a notice given under this clause unless the Authority, by further written notice to the holder of the scheme authority, withdraws the notice.
- (5) The Authority may decide to revoke a scheme authority without the holder of the scheme authority having been provided with an opportunity to show cause why the scheme authority should not be revoked.
- (6) If a scheme authority is revoked:
 - (a) where the holder of the revoked scheme authority is an individual or an organisation that is incorporated—the individual or organisation must return it to the Authority as soon as is reasonably practicable after the revocation, or
 - (b) where the holder of the revoked scheme authority is an organisation that is unincorporated—the person in possession of the scheme authority must return it to the Authority as soon as is reasonably practicable after becoming aware of the revocation.

Maximum penalty (subclause (6)): 20 penalty units.

- (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.

Subdivision 6 General

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).

Part 7 Alcohol and other drug use

127 Substances prescribed as drugs for the purposes of the definition of “drug” in Dictionary to Act (cf MTR, r 130B)

For the purposes of paragraph (c) of the definition of **drug** in the Dictionary to the Act, the following are prescribed as drugs:

- (a) substances listed in Schedule 4, and
- (b) substances that are salts, isomers, esters or ethers of any of the substances so listed or that are salts of those isomers, esters or ethers.

128 Premises, institutions and establishments prescribed for the purposes of sections 18C, 19, 24A and 26 (cf MTR, r 138)

The premises, institutions or establishments listed below are prescribed as hospitals for the purposes of section 19 of the Act and are places prescribed for the purposes of sections 18C (2) (c), 24A (3) (b) and (c) and 26 (b) of the Act:

- (a) the following premises, institutions or establishments of the Royal Australian Air Force:
- (i) Medical Section, No. 1 Central Ammunition Depot, Kingswood,
- (ii) No. 3 RAAF Hospital, RAAF Base, Richmond,

- (iii) Base Medical Flight, RAAF Base, Williamstown,
- (b) the 7th Camp Hospital, Kapooka, of the Australian Army,
- (c) the following premises, institutions or establishments of the Royal Australian Navy:
 - (i) Naval Hospital, HMAS Penguin, Balmoral,
 - (ii) Sick Bay, HMAS Harman, Canberra, ACT,
 - (iii) Sick Bay, HMAS Kuttabul, Garden Island,
 - (iv) Sick Bay, HMAS Creswell, Jervis Bay, ACT,
 - (v) Naval Hospital, HMAS Albatross, Nowra,
 - (vi) Sick Bay, HMAS Watson, Watson's Bay,
 - (vii) Sick Bay, HMAS Waterhen, Waverton.

129 Analysis of oral fluid, blood and urine samples—prescribed laboratory

For the purposes of sections 18, 18D, 18E, 23, 24B and 27 of the Act, the laboratory at Lidcombe of the Division of Analytical Laboratories, ICPMR, Health Reform Transitional Organisation Western is prescribed.

130 Security of blood and urine samples taken under Divisions 3, 3A, 4, 4A and 5 of Part 2 of Act

- (1) After a sample of blood or urine taken under Division 3, 3A, 4, 4A or 5 of Part 2 of the Act is dealt with in accordance with section 18 (3), 18E (3), 23 (1), 24B (3) or 27 (2A) of the Act (as the case may require), the sample must be placed immediately in a locked security box of a type approved by the Commissioner of Police. It is to be kept in the security box until it is submitted to the laboratory in accordance with section 18 (4), 18E (4), 23 (2), 24B (4) or 27 (2B) of the Act.
- (2) A person must not destroy or otherwise interfere or tamper with a sample, or a portion of a sample, of a person's blood or urine taken under Division 3, 3A, 4 or 5 of Part 2 of the Act except as follows:
 - (a) after the expiration of 12 months commencing on the day the sample was taken,
 - (b) in the case of a sample—by or at the direction of an analyst:
 - (i) so as to permit a portion of the sample to be sent for analysis by a medical practitioner or laboratory nominated, under section 18 (5), 18E (5), 23 (3) or 27 (2C) of the Act, in an application made under the relevant section by the person from whom the sample was taken, or
 - (ii) in the course of, or on completion of, an analysis of the sample,

(c) in the case of a portion of a sample—by or at the direction of the medical practitioner or laboratory nominated under section 18 (5), 18E (5), 23 (3) or 27 (2C) of the Act by the person from whom the sample was taken.

(3) A person must not destroy or otherwise interfere or tamper with a sample, or a portion of a sample, of a person's blood or urine taken under Division 4A of Part 2 of the Act except as follows:

(a) after the expiration of 13 months commencing on the day the sample was taken,

Note—

Section 24B (11) of the Act provides that a blood or urine sample that has been provided under section 24B must be destroyed by or at the direction of the analyst who has custody of the sample without being analysed if, at the expiry of 13 months after the accident concerned, no police officer has made a notification relating to a death (as provided under section 24B (8)).

(b) in the case of a sample—by or at the direction of an analyst:

(i) so as to permit a portion of the sample to be sent for analysis by a medical practitioner or laboratory nominated, under section 24B (5) of the Act, in an application made under the relevant section by the person from whom the sample was taken, or

(ii) in the course of, or on completion of, an analysis of the sample,

(c) in the case of a portion of a sample—by or at the direction of the medical practitioner or laboratory nominated under section 24B (5) of the Act by the person from whom the sample was taken.

Maximum penalty (subclauses (2) and (3)): 20 penalty units.

130A Security of oral fluid samples taken under Division 3A of Part 2 of Act

(1) After a sample of oral fluid taken under Division 3A of Part 2 of the Act is dealt with in accordance with section 18D (4) (a)–(d) of the Act, the sample must be placed immediately in a locked security box of a type approved by the Commissioner of Police. It is to be kept in the security box until it is submitted to the laboratory in accordance with section 18D (4) (e) of the Act.

(2) A person must not destroy or otherwise interfere or tamper with a sample, or a portion of a sample, of a person's oral fluid taken under Division 3A of Part 2 of the Act except as follows:

(a) after the expiration of 12 months commencing on the day the sample was taken,

(b) in the case of a sample—by or at the direction of an analyst:

(i) so as to permit a portion of the sample to be sent for analysis by a medical practitioner or laboratory nominated, under section 18D (5) of the Act, in an

application made under that section by the person from whom the sample was taken, or

(ii) in the course of, or on completion of, an analysis of the sample,

(c) in the case of a portion of a sample—by or at the direction of the medical practitioner or laboratory nominated under section 18D (5) of the Act by the person from whom the sample was taken.

Maximum penalty (subclause (2)): 20 penalty units.

130B Standards for approved oral fluid analysing instruments and testing devices: section 18A

(1) For the purposes of the definition of **approved oral fluid analysing instrument** in section 18A of the Act, the following standard is prescribed:

The instrument (when calibrated and operated properly) must be capable of confirming the presence of a prescribed illicit drug in a sample of oral fluid where the concentration of the drug in the fluid is 25 ng/mL or greater.

(2) For the purposes of the definition of **approved oral fluid testing device** in section 18A of the Act, the following standard is prescribed:

The device (when calibrated and operated properly) must be capable of indicating the presence of a prescribed illicit drug in oral fluid being tested where the concentration of the drug in the fluid is 150 ng/mL or greater.

Part 8 Prescribed traffic control devices

131 Devices that are prescribed for the purposes of section 50 of Act

(1) For the purposes of the definition of **prescribed traffic control device** in section 50 of the Act, the following traffic control devices are prescribed:

(a) any traffic control device of a kind mentioned in the [Road Rules 2008](#) that has effect for the Rules under rule 315 of the Rules,

Note—

See also rules 316–318 of the [Road Rules 2008](#).

(b) any word, figure, symbol or anything else used on or with a traffic control device referred to in paragraph (a),

(c) any pay parking device, parking meter or parking ticket machine.

(2) In this clause:

traffic control device has the same meaning as it has in the [Road Rules 2008](#).

Note—

The *Road Rules 2008* define traffic control devices to mean traffic signs, road markings, traffic signals, or other devices, to direct or warn traffic on, entering or leaving a road.

132 Offences (cf MTR, rr 54 (9) and 56 (1) (e))

- (1) A person must not (except with the approval of the Authority) place or cause to be placed any matter or thing in such a position as to prevent or be likely to prevent any prescribed traffic control device (within the meaning of section 50 of the Act) from being clearly observed by the driver of any motor vehicle approaching the device along a portion of a road in respect of which the device is installed or displayed.

Maximum penalty: 20 penalty units.

Note—

Section 52 of the Act also makes it an offence for a person to install or display (or interfere, alter or remove) any prescribed traffic control device without appropriate authority.

- (2) If the Authority or a police officer directs a person who has contravened subclause (1) to remove immediately the matter or thing concerned, the person must comply with the direction.

Maximum penalty: 20 penalty units.

- (3) A person (other than a driver) must not cause or permit to be driven on a road a motor vehicle that has exhibited on the rear of it or on the rear of a trailer that is attached to it a *do not overtake turning vehicle sign* (as referred to in the *Road Rules 2008*) unless the vehicle is, or the vehicle and trailer together are 7.5 m or more in length.

Maximum penalty: 20 penalty units.

Note—

Rule 316-2 of the *Road Rules 2008* provides that a driver must not drive a motor vehicle if a *do not overtake turning vehicle sign* is displayed on the rear of the vehicle or on the rear of a trailer that is attached to the vehicle unless the vehicle is, or the vehicle and trailer together, are 7.5 metres long or longer.

Part 9 Monitoring of heavy vehicles and vehicles carrying dangerous goods

133 Vehicles to which Division 2 of Part 5 of Act applies (in addition to vehicles carrying dangerous goods) (cf MTR, r 126j)

For the purposes of section 60 (1) (a) of the Act, the following vehicles are prescribed:

- (a) all classes and descriptions of coaches, and

- (b) every heavy motor vehicle that is an articulated vehicle or a prime mover.

134 Prescribed officers for the purposes of Division 2 of Part 5 of Act (cf MTR, r 126K)

- (1) For the purposes of Division 2 of Part 5 of the Act, the following persons are authorised as prescribed officers:
 - (a) officers employed by the Authority as enforcement officers and to whom the Authority has issued a written authorisation for the purposes of this Division,
 - (b) officers of the Dangerous Goods Branch of the WorkCover Authority who are employed as inspectors of dangerous goods,
 - (c) authorised officers within the meaning of the *Road and Rail Transport (Dangerous Goods) Act 1997*.
- (2) For the purposes of section 64 (4) (b) of the Act, the prescribed manner of identification is:
 - (a) for a prescribed officer employed by the Authority—wearing a uniform of the Authority, or
 - (b) for a prescribed officer employed by the WorkCover Authority—wearing a reflectorised vest displaying the words “SAFETY OFFICER”, or
 - (c) for a prescribed officer referred to in subclause (1) (c)—wearing a reflectorised vest displaying the letters “EPA”.

135 Manner of approval of aspects of data recording and related matters (cf MTR, r 126L)

Any approval of the Authority for the purposes of Division 2 of Part 5 of the Act is to be signified in one of the following ways:

- (a) in a Vehicle Monitoring Device Specification published or adopted by the Authority (and available on request from the Authority),
- (b) by instrument in writing signed by the Chief Executive of the Authority or by another person authorised in writing by the Authority and given to a person seeking to rely on it.

136 Accessories to contravention of Division 2 of Part 5 of Act (cf MTR, r 126M)

A person must not knowingly cause, permit or allow any other person to contravene a provision of Division 2 of Part 5 of the Act.

Maximum penalty: 20 penalty units.

137 Manner of granting exemptions (cf MTR, r 126N)

- (1) For the purposes of section 68 (1) of the Act, an exemption may be granted:

- (a) by order published in the Gazette or in a newspaper circulating in New South Wales, or
 - (b) by notice in writing signed by the Chief Executive of the Authority, or by another person authorised in writing by the Authority, and served on the person who is, or whose vehicle is, to be exempted.
- (2) An exemption granted in the manner provided by subclause (1) (b) may in the same manner be rescinded.

Note—

In relation to clause 137 (1) (a), section 43 (2) of the *Interpretation Act 1987* provides that if an Act or statutory rule confers a power on any person or body to make an order (whether or not the order must be in writing), the power includes power to amend or repeal any order made in the exercise of that power.

Part 10 Child safety

138 Schemes to assist children to cross roads (cf Traffic Act, s 4C; MTR, r 55B)

- (1) Transport for NSW may:
- (a) from time to time give authorities for schemes (***authorised children's crossing schemes***) designed to assist children to cross roads with safety to be conducted by persons who are desirous of taking part in such schemes and are referred to in such authorities, and
 - (b) authorise any person or class of persons by whom such schemes may be conducted to exercise and discharge for the purposes of such schemes the functions specified in such authorities, and
 - (c) at any time revoke any such authority.
- (2) Each authorised children's crossing scheme comes into force on the date specified in the authority for the scheme.
- (3) Any authorised children's crossing scheme in force under this clause may from time to time be amended or replaced by a subsequent scheme authorised in like manner.
- (4) Any person taking part in the carrying out of any authorised children's crossing scheme must:
- (a) have attained the age of 18 years, and
 - (b) wear any safety vest issued to him or her by Transport for NSW.
- (5) For the purpose of carrying out any authorised children's crossing scheme, when children are about to use or are on a crossing, any person authorised in that behalf by Transport for NSW:

- (a) may cause to be exhibited at or near the crossing, on each side of the roadway, a hand-held stop sign, or
 - (b) cause a barrier to be placed on each side of the crossing across or partly across the roadway.
- (6) A barrier referred to in subclause (5) (b):
- (a) must be so placed that it is parallel to the crossing and is on that side of the crossing that is nearer to approaching traffic, and
 - (b) must be of a type approved by Transport for NSW and must have affixed to it a stop sign in or to the effect of a hand-held stop sign, and
 - (c) must be so constructed that when it is placed in position on the roadway any stop sign affixed to it will face and be clearly visible to the driver of any motor vehicle approaching the crossing on the side of the roadway where the barrier is situated.
- (7) In any proceedings in any court, evidence that a hand-held stop sign was exhibited, as prescribed by this clause, by a person at or near a crossing when children were about to use, or were on, any portion of the crossing, is admissible and is prima facie evidence that the exhibition of the sign by such person was authorised.
- (8) In this clause:

crossing means a children's crossing within the meaning of rule 80 of the [Road Rules 2008](#) or a pedestrian crossing within the meaning of rule 81 of the [Road Rules 2008](#).

hand-held stop sign is a traffic sign of the kind referred to in rule 80 of the [Road Rules 2008](#).

Part 11 Speed limiters

139 Application of Division 2A of Part 5 of the Act (cf MTR, r 123B)

For the purposes of section 69B (1) of the Act, the following vehicles are prescribed as vehicles to which Division 2A of Part 5 of the Act applies:

- (a) a motor lorry or bus manufactured on or after 1 January 1988 (but not a motor lorry or bus to which Part 9 of Schedule 2 to the [Road Transport \(Vehicle Registration\) Regulation 2007](#) applies), being:
 - (i) a motor lorry having a GVM exceeding 15 tonnes, or
 - (ii) a bus used to provide a public passenger service and having a GVM exceeding 14.5 tonnes, and
- (b) a motor lorry or bus manufactured on or after 1 January 1991, being:

- (i) a motor lorry having a GVM exceeding 12 tonnes, or
- (ii) a bus used to provide a public passenger service and having a GVM exceeding 5 tonnes.

140 (Repealed)

141 Manner of limiting speed (cf MTR, r 123D)

- (1) For the purposes of Division 2A of Part 5 of the Act, the manner of limiting the speed of a vehicle is:
 - (a) in the case of a vehicle manufactured on or after 1 January 1989—the manner prescribed by the third edition ADR in respect of vehicles of that type, and
 - (b) in the case of a vehicle to which Part 9 of Schedule 2 to the *Road Transport (Vehicle Registration) Regulation 2007* applies—the manner prescribed in that Part, and
 - (c) in any other case—the manner prescribed by an order made by the Authority and published in the Gazette.
- (2) The requirements imposed by an order under subclause (1) (c) are not to be more onerous than the requirements of any Vehicle Safety Bulletin issued by the Commonwealth Office of Road Safety.
- (3) An order that, that immediately before the repeal of the *Motor Traffic Regulations 1935*, had effect under Regulation 123D of those Regulations is taken to have effect under this clause.

142 Modifications (cf MTR, r 123E)

- (1) The Authority or a police officer may serve a notice under this clause on the responsible person for a vehicle to which Division 2A of Part 5 of the Act applies if the Authority or police officer has reason to believe that the vehicle is capable of being driven at a speed exceeding 105 km/hr.
- (2) If:
 - (a) a driver of any vehicle to which Division 2A of Part 5 of the Act applies has been convicted of an offence arising out of a contravention of clause 38 while driving the vehicle and it was found by the court that, at the time of the offence, the driver was driving the vehicle at the speed exceeding 105 km/h, or
 - (b) a driver of any vehicle to which Division 2A of Part 5 of the Act applies has paid a penalty prescribed for the purposes of section 183 of the *Road Transport (General) Act 2005* in respect of an alleged offence so arising and the police officer or authorised officer who issued the relevant penalty notice indicated on the notice

that, at the time of the alleged offence, the driver was driving the vehicle at a speed exceeding 105 km/h, or

- (c) a penalty notice enforcement order under the *Fines Act 1996* has been made, or is taken to have been made, against a driver of any vehicle to which Division 2A of Part 5 of the Act applies in respect of an alleged offence so arising and the police officer or authorised officer who issued the relevant penalty notice indicated on the notice that, at the time of the alleged offence, the driver was driving the vehicle at a speed exceeding 105 km/h,

the Authority or a police officer may serve a notice under this clause on the person who, at the time of the offence or alleged offence concerned, was the responsible person for the vehicle.

(3) A notice under this clause may:

- (a) require alterations to be made to the vehicle by the responsible person on whom the notice was served so that the speed at which it is capable of being driven is limited, in the manner prescribed for the purposes of Division 2A of Part 5 of the Act, to not more than 100 km/h, and
- (b) require the responsible person on whom the notice was served to supply such information concerning any such alterations made to the vehicle as the notice indicates, and
- (c) require the responsible person on whom the notice was served to have the vehicle tested to determine whether the vehicle's speed is limited in accordance with Division 2A of Part 5 of the Act and to provide a certificate to that effect in the manner and form specified in the notice.

143 Exemptions (cf MTR, r 123F)

(1) The Authority may:

- (a) by order published in the Gazette or in a newspaper circulating in New South Wales, or
- (b) by notice in writing signed by the Chief Executive of the Authority, or by another person authorised in writing by the Authority, and served on the person who is, or whose vehicle is, to be exempted,

exempt persons or vehicles from any specified provision or provisions of this Part.

- (2) The exemption may be unconditional or may be conditional on the observance of conditions specified in the notice of exemption.
- (3) If an exemption is conditional on the observance of specified conditions, the exemption ceases to have effect as soon as there is a failure to observe the

conditions.

- (4) An exemption granted in the manner provided by subclause (1) (b) may in the same manner be rescinded.

Note—

In relation to clause 143 (1) (a), section 43 (2) of the *Interpretation Act 1987* provides that if an Act or statutory rule confers a power on any person or body to make an order (whether or not the order must be in writing), the power includes power to amend or repeal any order made in the exercise of that power.

Part 12 Seizure of certain vehicles

Division 1 Interpretation

144 Definitions (cf MTR, r 58A (1))

In this Part:

business day means any day except:

- (a) a Saturday or Sunday, or
- (b) a day that is observed as a public holiday throughout the State.

designated road means any of the following roads (or portions of roads) in Kings Cross in the City of South Sydney:

Amos Lane

Barncleuth Square

Bayswater Road, between Ward Avenue and Roslyn Street

Brougham Street

Earl Place

Hughes Street

Kings Cross Road

Manning Street

McDonald Street

Orwell Street

Rockwall Crescent

Tusculum Street

Victoria Street.

enforcement officer means the general manager of the Council of the City of South Sydney or an employee of that Council authorised by the general manager to be an enforcement officer for the purposes of Division 3.

general manager means the general manager of the Council of the City of South Sydney.

officer-in-charge means the officer-in-charge of the place at which the vehicle is kept or impounded under Division 2.

Division 2 Seizure of vehicles by police officers

145 When police officers may seize motor vehicles or trailers (cf MTR, r 58 (1))

- (1) A police officer may seize and take charge of and remove or tow away or cause to be removed or towed away, any motor vehicle or trailer:
 - (a) that is a danger or unreasonable obstruction to traffic, or
 - (b) that has been abandoned on a road, or
 - (c) that has been caused or permitted to be used contrary to law on any part of a road in which is conspicuously displayed a sign exhibiting or including the words “tow away area” or “vehicles impounded” or other words indicating that such a vehicle is subject to seizure.
- (2) Before seizing a motor vehicle or trailer, the police officer must:
 - (a) if no person is in charge of the vehicle—make reasonable inquiry for the purpose of locating the responsible person for or driver of the vehicle, or
 - (b) if on such inquiry the responsible person for or driver of the vehicle is located—request that person to remove the vehicle or cause it to be removed immediately and afford the person a reasonable opportunity to comply with the request, or
 - (c) if any person is in charge of the vehicle—request the person to remove the vehicle or cause it to be removed immediately and afford the person a reasonable opportunity to comply with the request.
- (3) The inquiry referred to in subclause (2) (a) must be made in the vicinity of the place where the vehicle is found. However, nothing in that paragraph authorises or requires a police officer to enter any building for the purpose of the inquiry.

146 Where seized vehicle to be kept (cf MTR, r 58 (1))

Any motor vehicle or trailer so removed or towed away may be kept or impounded at any

place appointed or set apart by the Commissioner of Police for the purpose.

147 Commissioner of Police to notify responsible person of seizure (cf MTR, r 58 (2))

On seizure of a motor vehicle or trailer under this Division, the Commissioner of Police must:

- (a) if the name and address of the responsible person for the vehicle are recorded at the office of the Authority in respect of the registration (if any) of the vehicle—send or cause to be sent to such person a notice setting out particulars of the time, date and place of the seizure and the place where the vehicle is kept or impounded within a period of 14 days after the seizure, or
- (b) if the name and address of the responsible person for the vehicle are not so recorded:
 - (i) if the responsible person for the vehicle can, after reasonable inquiry, be located—send or cause to be sent to the responsible person a notice setting out the particulars referred to in paragraph (a) within a period of 14 days after the seizure, or
 - (ii) if the responsible person for the vehicle cannot, after reasonable inquiry, be located—cause a notice setting out the like particulars referred to in paragraph (a) to be published in a newspaper circulating in the area in which the vehicle is seized.

148 Conditions for release of a seized vehicle (cf MTR, r 58 (3) and (4))

- (1) Except in the case of a motor vehicle or trailer that is dealt with under subclause (2), the following conditions are to be observed before the release of a motor vehicle or trailer kept or impounded under this Division:
 - (a) application for the release must be made by the responsible person for the motor vehicle or trailer or by a person acting for or on behalf of the responsible person to an officer-in-charge,
 - (b) the applicant must furnish evidence as to the responsible person for the motor vehicle or trailer to the satisfaction of the officer-in-charge,
 - (c) the motor vehicle or trailer must not be released from custody unless:
 - (i) the officer-in-charge is satisfied that the applicant is the responsible person for the motor vehicle or trailer or that the applicant possesses authority to act for or on behalf of the responsible person, and
 - (ii) the appropriate amount fixed by the Commissioner of Police as the amount payable in respect of the seizure, taking charge of, removal, towing away, keeping, impounding or releasing of the motor vehicle or trailer has been paid to the officer-in-charge, and

(iii) the applicant has signed a receipt for the delivery of the motor vehicle or trailer on a form supplied to the applicant by the officer-in-charge.

- (2) If within a period of 3 months after the date on which the motor vehicle or trailer has been seized, the responsible person has failed to claim the motor vehicle or trailer and to pay the amount referred to in subclause (1) (c) (ii), the motor vehicle or trailer may, after the expiration of the period, be disposed of or destroyed in accordance with the directions of the Commissioner of Police.

Division 3 Seizure of vehicles by council employees in Kings Cross area

149 When council employees may seize motor vehicles or trailers (cf MTR, r 58A (2), (4) and (5))

- (1) An enforcement officer may seize and take charge of and remove or tow away or cause to be removed or towed away any motor vehicle or trailer that has been caused or permitted to be used contrary to law in any part of a designated road in which is conspicuously displayed a sign exhibiting or including the words “tow away area” or “vehicles impounded” or other words indicating that the vehicle is subject to seizure.
- (2) Before seizing a motor vehicle or trailer the enforcement officer must:
- (a) if no person is in charge of the vehicle—make reasonable inquiry for the purpose of locating the responsible person for or driver of the vehicle, and
 - (b) if on such inquiry the responsible person for or driver of the vehicle is located—request the responsible person for the vehicle or driver to remove the vehicle or cause it to be removed immediately and give the responsible person or driver a reasonable opportunity to comply with the request, and
 - (c) if any person is in charge of the vehicle—request the person to remove the vehicle or cause it to be removed immediately and give the person a reasonable opportunity to comply with the request.
- (3) The inquiry referred to in subclause (2) (a) is to be made in the vicinity of the place where the vehicle is found. However, nothing in that paragraph authorises or requires an enforcement officer to enter any building for the purpose of the inquiry.

150 Where seized vehicle to be kept (cf MTR, r 58A (3))

Any motor vehicle or trailer so removed or towed away may be kept or impounded at any place appointed or set apart by the Commissioner of Police for the purpose.

151 Enforcement officer to notify Authority (cf MTR, r 58A (6) and (7))

- (1) As soon as practicable after the seizure of a motor vehicle or trailer, the enforcement officer must:

- (a) give the Authority notice of the seizure containing a description of the vehicle to which it relates (including particulars on any registration label and number-plate attached to the vehicle and any identification number stamped on or applied to the engine), and
- (b) request the Authority to supply to the enforcement officer any particulars known or available to the Authority of the name and address of the responsible person for the vehicle.

- (2) The Authority is to give the enforcement officer the requested particulars within 3 business days after receipt of the notice.

152 Enforcement officer to notify responsible person of seizure (cf MTR, r 58A (8) and (9))

- (1) If the name and address of the responsible person for the vehicle are supplied by the Authority, the enforcement officer must, within a period of 14 days after the seizure, send or cause to be sent to the responsible person a notice setting out particulars of the time, date and place of the seizure and the place where the vehicle is kept or impounded.
- (2) If the name and address of the responsible person for the vehicle are not so supplied, the enforcement officer must:
 - (a) if the responsible person for the vehicle can, after reasonable inquiry, be located—send or cause to be sent to the responsible person a notice setting out the particulars set out in clause 151 (1) (a) within a period of 14 days after the seizure, and
 - (b) if the responsible person for the vehicle cannot, after reasonable inquiry, be located—cause a notice setting out those particulars to be published in a newspaper circulating in the City of South Sydney.

153 Applications for the release of seized vehicles (cf MTR, r 58A (10)–(15))

- (1) Application for the release of a motor vehicle or trailer kept or impounded under this Division is to be made by the responsible person for the motor vehicle or trailer or by a person acting for or on behalf of the responsible person to the general manager at an office of the Council of the City of South Sydney during office hours on a business day.
- (2) The application is to be dealt with by the general manager or by some other enforcement officer designated by the general manager.
- (3) The applicant is to furnish evidence as to the responsible person for the motor vehicle or trailer to the satisfaction of the enforcement officer to whom the application is made.
- (4) The motor vehicle or trailer is not to be released from custody unless:

- (a) the enforcement officer dealing with the application is satisfied that the applicant is the responsible person for the motor vehicle or trailer or that the applicant possesses authority to act for or on behalf of the responsible person, and
 - (b) any amount payable under a penalty notice served on the responsible person in respect of an offence under this Regulation of stopping or parking the motor vehicle or trailer (or of causing or permitting the motor vehicle or trailer to stop, wait or park) in that portion of the designated road from which the motor vehicle or trailer was removed or towed away has been paid, and
 - (c) the appropriate amount fixed by the Authority as the amount payable in respect of the seizure, taking charge of, removal, towing away, keeping, impounding or releasing of the motor vehicle or trailer has been paid to the enforcement officer to whom the application is made, and
 - (d) the applicant has signed a receipt for the delivery of the motor vehicle or trailer on a form supplied to the applicant by the enforcement officer to whom the application is made.
- (5) If, within a period of 3 months after the date on which the motor vehicle or trailer has been seized, the responsible person has failed to claim the motor vehicle or trailer and to pay the appropriate amount, the motor vehicle or trailer may, after the expiration of the period, be disposed of or destroyed in accordance with the directions of the general manager or the Council of the City of South Sydney.
- (6) For the purposes of subclause (4) (b), an amount is not to be taken to be payable under a penalty notice unless the requirements of Part 3 of the *Fines Act 1996* have been complied with.

Part 12A Offences

153A Determination of criminal responsibility

- (1) **Application of Commonwealth Criminal Code** Subject to this clause, Chapter 2 of the *Criminal Code* set out in the Schedule to the *Criminal Code Act 1995* of the Commonwealth (**the Commonwealth Criminal Code**) applies to an offence against this Regulation as if the Chapter were in force as a law of New South Wales.

Note—

Chapter 2 of the Commonwealth Criminal Code codifies the general principles of criminal responsibility.

- (2) **Offences are strict liability offences** An offence against this Regulation is a strict liability offence for the purposes of Chapter 2 of the Commonwealth Criminal Code (as applied by subclause (1)), except where this Regulation expressly provides otherwise.
- (3) **General defence of accident or reasonable effort** Without limiting any defence under Chapter 2 of the Commonwealth Criminal Code (as applied by subclause (1)), a person

is not liable to a penalty for any offence under this Regulation if the person proves to the satisfaction of the court dealing with the case that the offence:

- (a) was the result of an accident, or
- (b) could not have been avoided by any reasonable efforts on the person's part.

(4) **Operation of *Crimes (Sentencing Procedure) Act 1999* not affected** Nothing in this Regulation affects the application of the *Crimes (Sentencing Procedure) Act 1999* in relation to this Regulation (particularly, Divisions 4 and 5 of Part 2 of that Act).

Note—

Divisions 4 and 5 of Part 2 of the *Crimes (Sentencing Procedure) Act 1999* contain provisions relating to how offence provisions are to be interpreted. For instance, section 17 of that Act defines the amount of a penalty unit. Similarly, section 18 of that Act sets out rules for interpreting provisions in legislation that impose penalties.

153B No double jeopardy for offence under this Regulation and the *Road Rules 2008*

If an act or omission constitutes an offence under this Regulation and the *Road Rules 2008*, the offender is not liable to be punished twice in respect of the offence.

Part 13 Miscellaneous

154 Meaning of “vehicle”

For the purposes of paragraph (b) of the definition of **vehicle** in clause 1 of the Dictionary to the Act, any description of tracked vehicle (such as a bulldozer), or any description of vehicle that moves on revolving runners inside endless tracks, that is not used exclusively on a railway or tramway is prescribed.

155 Removal of unattended vehicles: section 76 (cf MTR, rr 140A and 141)

(1) For the purposes of section 76 (1) of the Act, the following places are prescribed places:

- (a) a bus lane within the meaning of the *Road Rules 2008*,
- (b) a length of road to which a clearway sign applies as referred to in rule 176 of the *Road Rules 2008*,
- (c) a transit lane within the meaning of the *Road Rules 2008*,
- (d) a T-Way lane within the meaning of the *Road Rules 2008*.

(2) For the purposes of section 76 (5) of the Act, the prescribed tow-away charge is \$174.

156 Testing of speed measuring devices: section 46 (1) (b) of Act (cf MTR, r 139)

For the purposes of section 46 (1) (b) of the Act:

- (a) an approved speed measuring device that is a radar based device of a kind to which the Australian Standard entitled AS 2898.1—2003, *Radar speed detection—Functional requirements and definitions* applies must be tested for accuracy and functional requirements in accordance with that Standard, and
- (b) any other approved speed measuring device must be tested for accuracy and functional requirements in accordance with the manufacturer's recommended calibration method as approved by the Commissioner of Police or (in the case only of an approved speed measuring device that is used in conjunction with, or forms part of, an approved digital camera recording device) by the Authority, and
- (c) the prescribed time is 12 months.

156A Security indicators: section 47 of Act

- (1) For the purposes of section 47 of the Act:
 - (a) a series of 32 characters produced by an MD5 algorithm, or
 - (b) a series of 48 characters of which 32 characters have been produced by an MD5 algorithm, or
 - (c) a series of 40 characters produced by a SHA-1 algorithm, or
 - (d) a series of 56 characters produced by a SHA-224 algorithm, or
 - (e) a series of 64 characters produced by a SHA-256 algorithm, or
 - (f) a series of 96 characters produced by a SHA-384 algorithm, or
 - (g) a series of 128 characters produced by a SHA-512 algorithm,is prescribed as a security indicator.
- (2) For the purposes of this clause, **character** includes a letter, number or symbol.
- (3) (Repealed)

156B Security indicators: sections 47B and 57B of Act

- (1) For the purposes of sections 47B and 57B of the Act:
 - (a) a series of 32 characters produced by an MD5 algorithm, or
 - (b) a series of 40 characters produced by a SHA-1 algorithm, or
 - (c) a series of 56 characters produced by a SHA-224 algorithm, or
 - (d) a series of 64 characters produced by a SHA-256 algorithm, or
 - (e) a series of 96 characters produced by a SHA-384 algorithm, or

(f) a series of 128 characters produced by a SHA-512 algorithm,
is prescribed as a security indicator.

(2) For the purposes of this clause, **character** includes a letter, number or symbol.

156C Public transport lane offences

For the purposes of paragraph (c) of the definition of **public transport lane offence** in section 57B (1) of the Act, the following offences are prescribed:

(a) rule 154 (1) of the *Road Rules 2008*,

(b) rule 157-1 of the *Road Rules 2008*.

156D Inspection of approved camera detection devices: section 57 (3) (b) of the Act

(1) For the purposes of section 57 (3) (b) of the Act, the prescribed period is:

(a) in the case of an approved digital camera detection device—30 days, or

(b) in the case of any other kind of approved camera detection device—168 hours.

(2) In this clause:

approved digital camera detection device means an approved camera detection device that is capable of recording images in the form of digitalised, electronic or computer-generated images.

157 Removal of dangers and obstructions to traffic

For the purposes of section 75 (3) of the Act, the general manager of a council of a local government area is a prescribed person in relation to the issue of a certificate referred to in that subsection.

158 Failure to comply with order, notice, direction or requirement (cf MTR, r 129 (1) (c))

(1) A person who fails, without reasonable excuse, to comply with any order, notice, direction, requirement or request given or made to the person under this Regulation or the *Road Rules 2008* is guilty of an offence.

Maximum penalty: 20 penalty units.

(2) A person is not liable to be punished for an offence against subclause (1) for a failure to comply with an order, notice, direction, requirement or request given or made to the person under this Regulation or the *Road Rules 2008* if the person is liable to be punished for an offence in respect of the same failure to comply under another provision of this Regulation or the *Road Rules 2008*.

Note—

The offence in clause 118A (2) is an example of an offence to which subclause (2) above might apply.

159 False or misleading information (cf MTR, r 129 (1) (d))

A person must not, in purported compliance with any provision of this Regulation or the [Road Rules 2008](#), provide information that the person knows to be false or misleading in a material particular.

Maximum penalty: 20 penalty units.

160 Certain provisions not to apply to light rail vehicles (cf MTR, r 56C (1) (f))

Any provision of this Regulation with which a driver of a light rail vehicle could not reasonably comply (having regard to the fixed tracks on which a light rail vehicle travels, the route taken by those tracks and other exigencies of that method of travel) is taken not to apply to the driver.

160A Prescribed ground of exculpation: section 43A (3) of Act

(1) It is a prescribed ground of exculpation for the purposes of section 43A (3) of the Act in relation to a driver of a heavy vehicle (***the driver concerned***) involved in a speeding offence if:

(a) any other driver of the heavy vehicle:

(i) has been convicted, or found guilty, of the speeding offence, or

(ii) has paid the whole or any part of the penalty specified in a penalty notice issued to the other driver in respect of the speeding offence, or

(iii) has not paid the penalty specified in a penalty notice issued to the other driver in respect of the speeding offence, has not elected to have the matter dealt with by a court and the time for the other driver to have the matter so dealt with has lapsed, and

(b) the driver concerned gives the State Debt Recovery Office a statutory declaration made by the driver that states that the driver obeyed all of the speed limits that applied to the driver while he or she was the driver of the vehicle.

(2) A reference to speed limits in subclause (1) (b) does not include an average speed limit calculated in accordance with section 43A of the Act.

161 Savings and transitional provisions

Clauses 156A and 156B (as in force immediately before the commencement of the [Road Transport \(Safety and Traffic Management\) Amendment \(Security Indicators and Device Testing\) Regulation 2008](#)) continue to apply in relation to the hearing of proceedings for offences committed (or alleged to have been committed) before that commencement.

Schedules 1, 2 (Repealed)

Schedule 3 Declared organisations

(Clause 117 (3) (c) and definitions of “area of operations” and “declared organisation” in clause 3 (1))

Column 1 Declared organisation	Column 2 Area of operations	Column 3 Responsible Minister
Centennial Park and Moore Park Trust	Centennial Park (being that part of Woollahra, Waverley, Randwick and South Sydney bounded by, but not including, Oxford Street, York Road, Darley Road, Alison Road, Dacey Avenue, South Dowling Street, Flinders Street and Moore Park Road).	
	Moore Park (being that part of Randwick and South Sydney south of Dacey Avenue and bounded by, but not including, Dacey Avenue, Anzac Parade and South Dowling Street).	
	Bathurst campus (being that part of Bathurst bounded by, but not including, Panorama Avenue, Browning Street and Research Station Drive).	
	Albury City campus (being that part of Albury bounded by, but not including, Olive Street, Wilson Street, David Street and Guinea Street).	
Charles Sturt University	Thurgoona campus (being that part of Albury bounded by, but not including, Old Sydney Road, Thurgoona Drive, Shutter Avenue and Elizabeth Mitchell Drive).	
	Wagga Wagga agricultural campus (being that part of Wagga Wagga bounded by, but not including, Farrer Road, Boorooma Street, Estella Road and Pine Gully Road).	
	Wagga Wagga city campus (being that part of Wagga Wagga bounded by Fernleigh Road, Hely Avenue, Charleville Road and Urana Street).	
Darling Harbour Authority	The Darling Harbour Development Area (being that part of Sydney bounded by, but not including, King Street, Sussex Street, Harbour Street, Hay Street, Ultimo Road, Darling Drive, Pier Street, Harris Street, Allen Street and Murray Street).	
	Rankin Park campus (being Lots 1, 2 and 4, DP 839929 and Lots 131 and 132, DP 1053492).	
Hunter New England Local Health District	James Fletcher Hospital (being Lot 1, DP 10969317 and Lot 10, DP 1087691).	
	Belmont Hospital (being Lots 12 and 13, DP 848759).	
	Wallsend campus (being Lot 1, DP 330699; Lots 11, 12 and 16, DP 13487 and Lots A, C, D, E and F, DP 312480).	

Maitland Hospital (being Lots 1 and 3, DP 375615; Lots 1-4, DP 154695; Lots 2 and 6, DP 37290; Lots 380-382, DP 538296; Lot 1, DP 198235; Lot 1, DP 198328; Lots 17 and 18, DP 746311 and part Lot 138, DP 755237 (comprising the land in Conveyance Book 4537 No 172)).

Waratah campus (being Lot 3, DP 852177).

Tamworth Base Hospital (being Lot 2, DP 533835 and Lot 335, DP 753848).

Macquarie
University

Marsfield campus (being that part of Marsfield bounded by, but not including, Epping Road, Herring Road, Talavera Road, Culloden Road, Balaclava Road, Vimiera Road, Waterloo Road and Marsfield Park).

Parramatta Stadium
Trust

Trust land within the meaning of the [Parramatta Stadium Trust Act 1988](#) except for lots 951, 958, 959, 960 and 965 in the plan filed in the office of the Registrar-General as Deposited Plan 42643.

Royal Botanic
Gardens and
Domain Trust

The Royal Botanic Gardens and The Domain (being those parts of the Trust lands, within the meaning of the [Royal Botanic Gardens and Domain Trust Act 1980](#), that are described in Parts 1 and 2 of Schedule 2 to that Act, and including Art Gallery Road, Mrs Macquaries Road and Hospital Road).

The Rocks area of Sydney, comprising the following streets:

- (a) Cumberland Street (between Grosvenor Street and George Street),
- (b) Gloucester Street (between the Cahill Expressway and Cumberland Street),
- (c) Harrington Street (between Grosvenor Street and Argyle Street),
- (d) Essex Street (between George Street and Cumberland Street),
- (e) Argyle Street (between George Street and Cumberland Street),
- (f) George Street (between Globe Street and Cumberland Street),
- (g) Hickson Road (between Campbells Cove and Hickson Road Reserve),

Sydney Harbour
Foreshore Authority

- (h) Globe Street (between George Street and Harrington Street),
- (i) Atherden Street (between George Street and Gloucester Walk),
- (j) Playfair Street (between Argyle Street and Atherden Street),
- (k) Kendall Lane (between Argyle Street and Mill Lane),
- (l) Mill Lane (between George Street and Playfair Street),
- (m) Gloucester Walk (between George Street and Argyle Street),
- (n) Cambridge Street (between Argyle Street and the intersection of Harrington Street and Gloucester Street),
- (o) Nurses Walk (between Globe Street and Suez Canal),
- (p) Suez Canal (between Harrington Street and George Street).

The Pyrmont Area of Sydney, comprising the following streets:

- (a) Murray Street (between Union Street and Pirrama Road),
- (b) Pirrama Road (between Murray Street and Harris Street),
- (c) Darling Island (to its connection with Jones Bay Road),
- (d) Point Street (between Bowman Street and John Street),
- (e) Bowman Street (between Cross Street and Point Street),
- (f) Cross Street (between Bowman Street and Scott Street),
- (g) Scott Street (between Harris Street and Cross Street).

Sydney Olympic
Park Authority

Sydney Olympic Park within the meaning of the [Sydney Olympic Park Authority Act 2001](#).

University of New
England

Armidale campus (being that part of Armidale comprising the roads indicated on the maps marked "University of New England-Parking Scheme Area of Operations" and dated 23 February 2001 that have been lodged with the Authority before that date by the University of New England and that are available for inspection at each vehicular entrance to the Armidale Campus of the University of New England).

Callaghan campus (being that part of Newcastle bounded by, but not including, University Drive, Highway Route 123, the main Northern Rail line and the Steelworks golf course).

University of
Newcastle

Newcastle CBD precinct (being that part of Newcastle bounded by, but not including, Auckland Street, Gibson Street, Laman Street and Charles Street).

Central Coast campus (being that part of Ourimbah bounded by, but not including, Chittaway Road, Brush Road and the Northern Rail line).

Kensington campus (being that part of Kensington bounded by, but not including, Anzac Parade, High Street, Botany Street and Barker Street).

University of New
South Wales

Randwick campus (being that part of Randwick bounded by, but not including, King Street, Darley Road, Govett Street and Govett Lane).

Western campus (being that part of Kensington bounded by, but not including, Day Avenue and Anzac Parade).

University of
Sydney

Camperdown campus (being that part of Camperdown bounded by, but not including, Parramatta Road, Missenden Road, Carillon Avenue and City Road).

Darlington campus (being that part of Chippendale bounded by, but not including, City Road, Golden Grove Road, Abercrombie Street, Lander Street, Shepherd Street and Cleveland Street).

Carillon campus (being that part of Newtown bounded by, but not including, Carillon Avenue, Missenden Road and Campbell Street).

Graduate School of Management campus (being that part of Macdonaldtown bounded by, but not including, Burren Street and Watkin Street).

Nursing Accommodation site (being that part of Camperdown bounded by, but not including, Mallet Street, Church Street and Hampshire Lane).

Sydney College of the Arts campus (being that part of Rozelle bounded by, but not including, North Circuit and Central Avenue).

Cumberland College campus (being that part of Lidcombe bounded by, but not including, Earl Street and Lidcombe Hospital).

Camden Farms, being the following sites:

- (a) that part of Camden bounded by, but not including, Werombi Road and Grownlow Hill Loop Road,
- (b) that part of Camden bounded by, but not including, Werombi Road, Sickles Creek and Nepean River,
- (c) that part of Camden bounded by, but not including, Nepean River and Cobbity Road (northern section),
- (d) that part of Camden bounded by, but not including, Nepean River and Cobbity Road (southern section),
- (e) that part of Camden bounded by, but not including, Mayfarm Road and Mt Hunter Rivulet.

Orange campus (being that part of Orange bounded by, but not including, Leeds Road and Ophir Road).

City Campus (being that part of Ultimo bounded by, but not including, Jones Street, Thomas Street, Harris Street and Broadway).

University of
Technology, Sydney

Haymarket Campus (being that part of Ultimo bounded by, but not including, Ultimo Road, Hay Street, Quay Street and Merino Boulevard).

Blackfriars Campus (being that part of Chippendale bounded by, but not including, Buckland and Blackfriars Streets and Abercrombie Street).

	<p>Kuring-gai Campus (being that part of Lindfield bounded by, but not including, Eton Road, Winchester Avenue, Lyle Avenue, Lady Game Drive and Lane Cove National Park).</p> <p>St Leonards Campus, Dunbar Building (being that part of St Leonards bounded by, but not including, the Pacific Highway, Westbourne Street, Royal North Shore Hospital and North Sydney College of TAFE).</p> <p>University of Wollongong Main Campus bounded by the F6 Freeway, Madoline Street up to the Botanic Gardens, the Botanic Gardens' end of Northfields Avenue and Robsons Road.</p> <p>University of Wollongong Campus East and Brandon Park bounded by Squires Way, Elliotts Road and Para Creek.</p> <p>International House Student Residence bounded by the Sydney to Wollongong Rail Line, Hindmarsh Avenue and the Northern Distributor.</p> <p>Weerona College Student Residence on the corner of Foleys Road and Throsby Drive backing on to the Wollongong Tennis Club's tennis courts.</p> <p>Auburn Hospital (being that part of Auburn bounded by, but not including, Hargrave Road, Norval Street, Havington Road and Water Street).</p> <p>Blacktown Hospital (being that part of Blacktown bounded by, but not including, Bungarabee Road, Blacktown Road, Panorama Parade and Marcel Crescent).</p> <p>Cumberland Hospital (being that part of Parramatta bounded by, but not including, Fleet Street, New Street, Parramatta Gaol and Toongabbie Creek).</p>
University of Wollongong	
Western Sydney Local Health District	<p>Mt Druitt Hospital (being that part of Mt Druitt bounded by, but not including, Luxford Road, Railway Street, North Parade and Mount Street).</p> <p>Lottie Stewart Hospital (being that part of Dundas bounded by, but not including, Stewart Street and Kissing Point Road).</p> <p>St Joseph's Hospital (being that part of Auburn bounded by, but not including, Normanby Road, Alice Street, Mona Street and Cardigan Street).</p> <p>Westmead Hospital (being that part of Westmead bounded by, but not including, Darcy Road, Hawkesbury Road and Toongabbie Creek).</p>

Schedule 4 Substances prescribed as drugs

(Clause 127)

ALPRAZOLAM

AMYLOBARBITONE
AZATADINE
BARBITURIC ACID DERIVATIVES not otherwise specified in this Schedule
BENZODIAZEPINE DERIVATIVES not otherwise specified in this Schedule
BROMAZEPAM
BROMPHENIRAMINE
BUCLIZINE
BUPRENORPHINE
BUTOBARBITONE
CHLORAL HYDRATE
CHLORDIAZEPOXIDE
CHLORMETHIAZOLE
CHLORPHENIRAMINE
CHLORPHENTERMINE
CLEMASTINE
CLOBAZAM
CLONAZEPAM
CLORAZEPATE
CODEINE
CYCLIZINE
CYCLOBARBITONE
CYPROHEPTADINE
DEXCHLORPHENIRAMINE
DEXTROPROPOXYPHENE
DIAZEPAM
DIETHYLPROPION
DIHYDROCODEINE
DIMENHYDRINATE
DIMETHINDINE
DIPHENHYDRAMINE
DIPHENYLPRYALINE
DOXYLAMINE
EPHEDRINE (excluding pseudoephedrine)
ETHYLMORPHINE
FENFLURAMINE
FLUNITRAZEPAM
FLURAZEPAM
GLUTETHIMIDE
HYDROXYZINE
LORAZEPAM
MAZINDOL
MEBHYDROLIN
MECLOZINE
MEDAZEPAM
MEPROBAMATE
MEPYRAMINE
METHDILAZINE
METHYLPHENOBARBITONE

MIDAZOLAM
NALBUPHINE
NITRAZEPAM
OXAZEPAM
PENTAZOCINE
PENTOBARBITONE
PHENIRAMINE
PHENOBARBITONE
PHENTERMINE
PHENYLTOLOXAMINE
PIZOTIFEN
PRAZEPAM
PROMETHAZINE
PROPYLHEXEDRINE
QUINALBARBITONE
SECBUTOBARBITONE
TEMAZEPAM
THENYLDIAMINE
TRIAZOLAM
TRIMEPRAZINE
TRIPROLIDINE

Schedule 5 (Repealed)