



Australian Capital Territory

Road Transport (Safety and Traffic Management) Amendment Regulations 2002

Subordinate Law 2002 No 7

The Australian Capital Territory Executive makes the following regulations under the *Road Transport (Safety and Traffic Management) Act 1999*.

Dated 9 April 2002.

BILL WOOD
Minister

SIMON CORBELL
Minister



Australian Capital Territory

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Contents

	Page
Part 1	
Preliminary	
1	1
2	1
3	1

		Page
Part 2	Amendments of the Road Transport (Safety and Traffic Management) Regulations 2000	
4	New regulation 51 (1A)	2
5	Regulation 51 (2)	2
6	Regulation 51	3
7	Regulation 71	3
8	New regulations 75A and 75B, division 3.1.2	3
9	Regulation 76, heading	4
10	New regulation 76A	5
11	Regulation 80 (1)	5
12	New regulation 97A, division 3.1.4	6
13	Regulation 98 (1) and (2)	6
14	New regulations 98A and 98B	7
15	Dictionary, new definitions of <i>area of operations</i> , <i>parking authority</i> and <i>parking authority guidelines</i>	7
16	Dictionary, definition of <i>parking ticket</i>	8
Part 3	Amendment of the Road Transport (General) Regulations 2000	
17	Schedule 1, part 1.10	9

Part 1 Preliminary

1 Name of regulations

These regulations are the *Road Transport (Safety and Traffic Management) Amendment Regulations 2002*.

2 Commencement

These regulations commence on the day after their notification day.

3 Regulations amended

- (1) Part 2 amends the *Road Transport (Safety and Traffic Management) Regulations 2000*.
- (2) Part 3 amends the *Road Transport (General) Regulations 2000*.

Part 2 Amendments of the Road Transport (Safety and Traffic Management) Regulations 2000

4 New regulation 51 (1A)

insert

- (1A) If a parking authority decides that the use of a ticket parking area, or ticket parking space, within its area of operations should be temporarily discontinued, the authority may close the area or space by—
- (a) for the closure of a ticket parking area—installing a sign, at or near each traffic sign applying to the area, that displays words to the effect that the area is closed; or
 - (b) for the closure of a ticket parking space—installing a sign, at or near the space, that displays words to that effect.

Note Reg 75A provides for the road transport authority to declare parking authorities and reg 76A provides for the operation of ticket parking schemes by parking authorities.

5 Regulation 51 (2)

omit

subregulation (1)

substitute

subregulation (1) or (1A)

6 Regulation 51

renumber subregulations when regulations next republished under Legislation Act 2001

7 Regulation 71

substitute

71 Stopping and parking exemption for police and emergency vehicles and authorised people (NSW cl 116)

- (1) A provision of division 2.3.5 (Stopping and parking) does not apply to the driver of a police or emergency vehicle if, in the circumstances—
- (a) the driver is taking reasonable care; and
 - (b) it is reasonable that the provision should not apply.
- (2) A provision of division 2.3.5 (Stopping and parking) does not apply to a driver who is an authorised person driving a vehicle in the course of his or her duty as an authorised person if, in the circumstances—
- (a) the driver is taking reasonable care; and
 - (b) it is reasonable that the provision should not apply.

8 New regulations 75A and 75B, division 3.1.2

insert

Note The Australian Road Rules, r 207 (2) provides that a driver who parks in a ticket parking area must pay the fee and obey the instructions on the ticket. See also reg 16.

75A Parking authorities

- (1) A person may apply to the road transport authority to be a parking authority for a stated area.

Regulation 9

- (2) The road transport authority may, in writing, declare the person to be a parking authority for a stated area (the *area of operations*).

Note The power to make the declaration includes the power to amend or repeal it (see the *Legislation Act 2001*, s 46).

- (3) The declaration is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

75B Parking authority guidelines (NSW cl 113)

- (1) The road transport authority must establish written guidelines for regulation 76A (the *parking authority guidelines*).

- (2) The parking authority guidelines are a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (3) A parking authority is not entitled to provide, or charge for, parking in a ticket parking area if the parking authority does not comply with the parking authority guidelines.

- (4) A parking authority is taken to comply with the parking authority guidelines until the contrary is proved.

9 Regulation 76, heading

substitute

76 Ticket parking schemes—road transport authority (NSW cl 101)

10 New regulation 76A

insert

76A Ticket parking schemes—parking authority (NSW cl 101)

- (1) A parking authority may, in accordance with the parking authority guidelines, establish and operate a ticket parking scheme for any length of road or area within its area of operations.
- (2) For a ticket parking scheme, the parking authority may, in accordance with the parking authority guidelines—
 - (a) set aside a length of road or area within its area of operations as a ticket parking area; and
 - (b) fix fees for the parking of vehicles in the area; and
 - (c) adopt the ways of, and schemes for, payment of the fees the authority considers appropriate; and
 - (d) install pay parking devices.

Note Reg 75A provides for the road transport authority to declare parking authorities and reg 75B provides for parking authority guidelines.

11 Regulation 80 (1)

omit

- (c) the ticket parking area code (if applicable);
- (d) a serial number;
- (e) instructions for use of the ticket.

substitute

- (c) the name of the authority issuing the ticket;
- (d) the ticket parking area code (if applicable);
- (e) a serial number;

- (f) instructions for use of the ticket.

12 New regulation 97A, division 3.1.4

insert

97A Other powers to provide pay parking (NSW cl 114)

- (1) This part does not affect any other power of a parking authority to provide for parking on land within its area of operations.
- (2) A parking authority may exercise a power under this part in relation to land that it does not own only with the consent of the owner of the land.
- (3) Consent may be given subject to conditions, including conditions about the length and withdrawal of the consent.
- (4) Subject to the conditions of the consent, the consent may be withdrawn only after reasonable notice.
- (5) In this regulation:
owner, of land, includes lessee of land.

13 Regulation 98 (1) and (2)

omit

the road transport authority

substitute

the road transport authority or a parking authority

14 New regulations 98A and 98B

insert

98A Income from ticket parking scheme (NSW cl 116 (3) and (4))

- (1) All fees collected by a parking authority from the operation of a ticket parking scheme belong to the parking authority.
- (2) Any surplus arising from the operation of a ticket parking scheme may be applied at the discretion of the parking authority.

98B Costs of ticket parking scheme (NSW cl 116 (1))

The costs of administering a ticket parking scheme operated by a parking authority under regulation 76A are to be borne by the parking authority.

15 Dictionary, new definitions of *area of operations*, *parking authority* and *parking authority guidelines*

insert

area of operations, for a parking authority, means the area of operations declared for the parking authority under regulation 75A (Parking authorities).

parking authority means a person declared to be a parking authority under regulation 75A (Parking authorities).

parking authority guidelines—see regulation 75B (1) (Parking authority guidelines).

16 Dictionary, definition of *parking ticket*

omit

road transport authority

substitute

road transport authority or a parking authority

Part 3

Amendment of the Road Transport (General) Regulations 2000

17 Schedule 1, part 1.10

insert

4A	75A (2)	road transport authority—refuse to declare person to be parking authority for stated area applied for
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Endnotes

Republications of amended laws

- 1 For the latest republication of amended laws, see www.legislation.act.gov.au.

Notification

- 2 Notified under the *Legislation Act 2001* on 15 April 2002.
(see www.legislation.act.gov.au)