



New South Wales

Road Transport Legislation Amendment Act 1999 No 19

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New South Wales

Road Transport Legislation Amendment Act 1999 No 19

Act No 19, 1999

An Act to repeal the *Traffic Act 1909* and certain related legislation; to amend other legislation consequent on those repeals and the enactment of the *Road Transport (General) Act 1999* and the *Road Transport (Safety and Traffic Management) Act 1999*; to amend the *Subordinate Legislation Act 1989* to exempt principal statutory rules that include matters involving the implementation of certain intergovernmental road transport agreements from the requirement to prepare regulatory impact statements and to postpone the date for the staged repeal of certain regulations made under the *Traffic Act 1909*; to make amendments in the nature of statute law revision and other amendments to the *Road Transport (Driver Licensing) Act 1998*, the *Road Transport (Vehicle Registration) Act 1997* and the *Traffic Act 1909*; and for other purposes. [Assented to 1 July 1999]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Road Transport Legislation Amendment Act 1999*.

2 Commencement

- (1) Subject to subsection (2), this Act commences on a day or days to be appointed by proclamation.
- (2) Schedule 4 (and so much of section 4 as relates to that Schedule) commence on the date of assent.

3 Repeal of Acts and Regulations

The Acts and Regulations specified in Schedule 1 are repealed.

4 Amendment of Acts and Regulations

The Acts and Regulations specified in Schedules 2–4 are amended as set out in those Schedules.

Schedule 1 Repeals

(Section 3)

Acts

Traffic Act 1909 No 5

Traffic Amendment (Confiscation of Keys and Driving Prevention) Act 1998 No 1

Traffic Amendment (Disqualification for Speeding) Act 1997 No 132

Traffic Amendment (Learner Driver Supervisors) Act 1996 No 75

Traffic Amendment (Pay Parking Schemes) Act 1998 No 20

Traffic Amendment (Penalties and Disqualifications) Act 1998 No 70

Traffic Amendment (Speeding Anti-evasion Measures) Act 1998 No 152

Traffic Amendment (Street and Illegal Drag Racing) Act 1996 No 145

Traffic Amendment (Street and Illegal Drag Racing) Act 1997 No 74

Traffic Amendment (Tyre Deflation—Police Pursuits) Act 1998 No 112

Traffic Amendment (Variable Speed Limits) Act 1998 No 27

Traffic Amendment (Vehicle Identification) Act 1996 No 146

Traffic and Crimes Amendment (Menacing and Predatory Driving) Act 1997 No 75

Traffic Legislation Amendment Act 1997 No 115

Regulations

General Traffic Regulations 1916

General Traffic (Pedestrian) Regulations 1937

Motor Traffic Regulations 1935

Traffic (Savings and Transitional) Regulation 1993

Schedule 2 Consequential amendment of Acts

(Section 4)

2.1 Bicentennial Park Trust Act 1987 No 29

[1] Section 22 Liability of vehicle owner for parking offences

Omit the definition of *owner* from section 22 (6). Insert instead:

owner of a vehicle includes the responsible person for the vehicle within the meaning of the *Road Transport (General) Act 1999*.

[2] Section 22 (6), definitions of “registered” and “trader’s plate”

Omit the definitions.

2.2 Centennial Park and Moore Park Trust Act 1983 No 145

Section 23 Liability of vehicle owner for certain offences

Omit section 23 (6). Insert instead:

(6) In this section:

owner of a vehicle includes the responsible person for the vehicle within the meaning of the *Road Transport (General) Act 1999*.

2.3 Children (Criminal Proceedings) Act 1987 No 55

[1] Section 3 Definitions

Omit paragraph (a) from the definition of *traffic offence* in section 3 (1).
Insert instead:

(a) the road transport legislation within the meaning of the *Road Transport (General) Act 1999*,

[2] Section 33 Penalties

Omit section 33 (5) (a). Insert instead:

- (a) to impose any disqualification under the road transport legislation within the meaning of the *Road Transport (General) Act 1999* on a person whom it has found guilty of an offence,

2.4 Community Land Management Act 1989 No 202

[1] Section 116 Open and private access ways

Omit section 116 (1) (a). Insert instead:

- (a) the road transport legislation within the meaning of the *Road Transport (General) Act 1999*, and

[2] Section 116 (7)

Omit the definition of *road or road related area*. Insert instead:

road or road related area means a road or road related area within the meaning of the *Road Transport (General) Act 1999* (other than a road or road related area that is the subject of a declaration made under section 9 (1) (b) of that Act relating to all of the provisions of that Act).

2.5 Credit Act 1984 No 94

Section 5 Definitions

Omit “*Motor Traffic Act 1909*” from paragraph (a) of the definition of *commercial vehicle* in section 5 (1).

Insert instead “*Road Transport (General) Act 1999*”.

2.6 Crimes Act 1900 No 40

[1] Section 52A Dangerous driving: substantive matters

Omit the definition of *drug* from section 52A (9). Insert instead:

drug has the same meaning as it has in the *Road Transport (Safety and Traffic Management) Act 1999*.

[2] Section 52A (9), definition of “road”

Omit paragraph (a). Insert instead:

- (a) a road or road related area within the meaning of the *Road Transport (General) Act 1999* (other than a road or road related area that is the subject of a declaration made under section 9 (1) (b) of that Act relating to all of the provisions of that Act), or

[3] Section 52AA Dangerous driving: procedural matters

Omit section 52AA (2). Insert instead:

- (2) **Evidence of intoxication.** For the purposes of section 52A, evidence may be given of the concentration of alcohol present in the accused’s blood at the time of the impact occasioning death or grievous bodily harm occurring at a place that is not a road or road related area within the meaning of the *Road Transport (General) Act 1999* (other than a road or road related area that is the subject of a declaration made under section 9 (1) (b) of that Act relating to all of the provisions of that Act) as determined by a blood analysis carried out in accordance with Division 4 of Part 2 of the *Road Transport (Safety and Traffic Management) Act 1999*.

[4] Section 52B Dangerous navigation: substantive matters

Omit the definition of *drug* from section 52B (9). Insert instead:

drug has the same meaning as it has in the *Road Transport (Safety and Traffic Management) Act 1999*.

[5] Section 154AA Car stealing etc

Omit section 154AA (2). Insert instead:

(2) In this section:

motor car means a motor vehicle (but not a trailer) within the meaning of the *Road Transport (General) Act 1999*, but does not include a caravan or motor vehicle constructed principally for use in agricultural production.

[6] Section 353A Power to search person, make medical examination, take photograph, finger-prints etc

Omit section 353A (7) (b). Insert instead:

(b) an offence under section 42 of the *Road Transport (Safety and Traffic Management) Act 1999* of driving a motor vehicle on a road or road related area (other than a road or road related area that is the subject of a declaration made under section 9 (1) (b) of the *Road Transport (General) Act 1999*) negligently occasioning death, negligently occasioning grievous bodily harm, furiously or recklessly or at a speed or in a manner that is dangerous to the public,

[7] Section 353A (7) (c)

Omit the paragraph. Insert instead:

(c) an offence under any of the following provisions of the *Road Transport (Safety and Traffic Management) Act 1999*:

- (i) section 9 (1), (2) (a) or (b), (3) (a) or (b), (4) (a) or (b), 15 (4) or 16,
- (ii) section 12 (1) (a) or (b),
- (iii) section 22 (2),
- (iv) section 29 (2),
- (v) section 43,
- (vi) section 70,

[8] Section 356B Effect of Part on other powers and duties

Omit “section 4E of the *Traffic Act 1909*” from section 356B (1) (b).
Insert instead “Division 3 of Part 2 of the *Road Transport (Safety and Traffic Management) Act 1999*”.

[9] Section 414A Certificates to be evidence

Omit “section 4AB of the *Traffic Act 1909*” from section 414A (1A).
Insert instead “section 46 of the *Road Transport (Safety and Traffic Management) Act 1999*”.

[10] Section 414A (1C)

Omit “section 4AC of the *Traffic Act 1909*”.
Insert instead “section 47 of the *Road Transport (Safety and Traffic Management) Act 1999*”.

[11] Section 414A (1D) (a)

Omit “*Traffic Act 1909*”.
Insert instead “*Road Transport (Safety and Traffic Management) Act 1999*”.

[12] Section 414A (2)

Omit “4E (12) (a) or (b) of the *Traffic Act 1909*” and “section 4E of that Act”.
Insert instead “section 33 (1) or (2) of the *Road Transport (Safety and Traffic Management) Act 1999*” and “Division 3 of Part 2 of that Act” respectively.

[13] Section 414A (3A)

Omit “section 5AB of the *Traffic Act 1909* (Evidence of presence of drugs)” and “section 5 (2) of that Act”.
Insert instead “section 34 or 35 of the *Road Transport (Safety and Traffic Management) Act 1999*” and “section 12 of that Act” respectively.

[14] Section 414A (4)

Omit “section 4G of the *Traffic Act 1909*” and “section 4E of that Act”.
Insert instead “33 (4), (5), (6) or (7) of the *Road Transport (Safety and Traffic Management) Act 1999*” and “Division 3 of Part 2 of that Act” respectively.

[15] Section 414A (6) (a)

Omit “*Traffic Act 1909*”.
Insert instead “*Road Transport (Safety and Traffic Management) Act 1999*”.

2.7 Criminal Records Act 1991 No 8

Section 11 How are traffic offences to be dealt with?

Omit “(within the meaning of the *Traffic Act 1909*)” from section 11 (1) and (4) wherever occurring.

Insert instead “(within the meaning of the road transport legislation referred to in section 5 of the *Road Transport (General) Act 1999*)”.

2.8 Crown Lands Act 1989 No 6

Section 161 Liability of vehicle owner for certain offences

Omit the definition of *owner* from section 161 (6). Insert instead:

owner of a vehicle includes the responsible person for the vehicle within the meaning of the *Road Transport (General) Act 1999*.

2.9 Darling Harbour Authority Act 1984 No 103

Section 23J Application of certain legislation

Omit section 23J (1) (h). Insert instead:

- (h) the road transport legislation within the meaning of the *Road Transport (General) Act 1999*,

2.10 Driving Instructors Act 1992 No 3

[1] Section 3 Definitions

Omit the definitions of *motor vehicle*, *road* and *road related area* from section 3 (1).

Insert instead:

motor vehicle means a motor vehicle (including any trailer towed by the vehicle) within the meaning of the *Road Transport (General) Act 1999*.

road means a road within the meaning of the *Road Transport (General) Act 1999* (other than a road that is the subject of a declaration made under section 9 (1) (b) of that Act relating to all of the provisions of that Act).

road related area means a road related area within the meaning of the *Road Transport (General) Act 1999* (other than a road related area that is the subject of a declaration made under section 9 (1) (b) of that Act relating to all of the provisions of that Act).

[2] Section 15 Testing of applicant

Omit “the *Traffic Act 1909*, and of the regulations made under that Act,” from section 15 (b).

Insert instead “the road transport legislation within the meaning of the *Road Transport (General) Act 1999*”.

[3] Section 28 Return of licence

Omit “up to the officer in charge of a district registry within the meaning of the *Traffic Act 1909* or to any other place” from section 28 (5).

Insert instead “to a place”.

[4] Section 53 Use of unsatisfactory vehicle

Omit “the *Traffic Act 1909* and the regulations made under that Act”.

Insert instead “the road transport legislation within the meaning of the *Road Transport (General) Act 1999*”.

[5] Section 54 Employer not to allow use of unsatisfactory vehicle

Omit “the *Traffic Act 1909* and the regulations made under that Act”.

Insert instead “the road transport legislation within the meaning of the *Road Transport (General) Act 1999*”.

2.11 Duties Act 1997 No 123

Dictionary

Omit the definition of *road*. Insert instead:

road means a road or road related area within the meaning of the *Road Transport (Vehicle Registration) Act 1997* (other than a road or road related area that is the subject of a declaration made under section 9 (1) (b) of the *Road Transport (General) Act 1999* relating to all of the provisions of that Act).

2.12 Electricity Safety Act 1945 (1946 No 13)

Section 19F Definitions

Omit the definition of *traffic route*. Insert instead:

traffic route has the same meaning as it has in section 45E of the *Transport Administration Act 1988*.

2.13 Fines Act 1996 No 99

Schedule 1 Statutory provisions under which penalty notices issued

Omit “*Traffic Act 1909*, section 18B”.

Insert in appropriate alphabetical order:

Road Transport (General) Act 1999, Division 1 of Part 3

2.14 Forestry Act 1916 No 55

Section 38C Liability of vehicle owners for parking offences

Omit the definition of *owner* from section 38C (1). Insert instead:

owner of a motor vehicle includes the responsible person for the vehicle within the meaning of the *Road Transport (General) Act 1999*.

2.15 Impounding Act 1993 No 31

Dictionary of expressions used in this Act

Omit paragraph (a) of the definition of *motor vehicle*. Insert instead:

- (a) a motor vehicle within the meaning of the *Road Transport (General) Act 1999* and includes a caravan or trailer, and

2.16 Industrial Relations Act 1996 No 17

[1] Schedule 1 Persons deemed to be employees

Omit clause 2 (2) (b). Insert instead:

- (b) *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 whatsoever other than the conveyance of persons, but does not include a motor cycle or a tractor,

[2] Dictionary

Omit the definition of *motor vehicle*. Insert instead:

motor vehicle means a motor vehicle or trailer within the meaning of the *Road Transport (General) Act 1999*.

2.17 Justices Act 1902 No 27

[1] Section 107 Stay of execution of conviction, order or sentence pending appeal

Omit section 107 (4). Insert instead:

- (4) Despite subsection (1), any period during which the stay is in force is not to be taken into account when calculating the length of a period of disqualification from holding a driver licence resulting from a conviction under the road transport legislation within the meaning of the *Road Transport (General) Act 1999*.

[2] Section 111 Supreme Court may confirm conviction, order or sentence with effect from an earlier day

Omit section 111 (4). Insert instead:

- (4) Despite subsections (1) and (2), any period during which a stay of execution was in force in respect of a conviction under the road transport legislation within the meaning of the *Road Transport (General) Act 1999* is not to be taken into account when calculating the length of a period of disqualification from holding a driver licence resulting from the conviction.

[3] Section 112 Appeals relating to certain traffic offences committed by children

Omit paragraph (a) from the definition of *traffic offence* in section 112 (2).

Insert instead:

- (a) the road transport legislation within the meaning of the *Road Transport (General) Act 1999*, or

[4] Section 127 Stay of execution of conviction, order or sentence pending appeal

Omit section 127 (4). Insert instead:

- (4) Despite subsection (1), any period during which the stay is in force is not to be taken into account when calculating the length of a period of disqualification from holding a driver licence resulting from a conviction under the road transport legislation within the meaning of the *Road Transport (General) Act 1999*.

[5] Section 133D Appeals relating to certain traffic offences committed by children

Omit paragraph (a) from the definition of *traffic offence* in section 133D (2).

Insert instead:

- (a) the road transport legislation within the meaning of the *Road Transport (General) Act 1999*, or

[6] Section 133P Court may confirm conviction, order or sentence with effect from an earlier day

Omit section 133P (4). Insert instead:

- (4) Despite subsections (1) and (2), any period during which a stay of execution was in force in respect of a conviction under the road transport legislation within the meaning of the *Road Transport (General) Act 1999* is not to be taken into account when calculating the length of a period of disqualification from holding a driver licence resulting from the conviction.

[7] Section 133AH Stay of execution of conviction, order or sentence pending appeal

Omit section 133AH (4). Insert instead:

- (4) Despite subsection (1), any period during which the stay is in force is not to be taken into account when calculating the length of a period of disqualification from holding a driver licence resulting from a conviction under the road transport legislation within the meaning of the *Road Transport (General) Act 1999*.

[8] Section 154 Regulations

Omit section 154 (1C).

2.18 Liquor Act 1982 No 147

Section 152A Confiscation of proof of age cards

Omit “, the *Registered Clubs Act 1976* or the *Traffic Act 1909*” from section 152A (1) (c), (4) (c) and (5) (b) wherever occurring.

Insert instead “or the *Registered Clubs Act 1976*”.

2.19 Local Government Act 1993 No 30

[1] Section 633C

Omit the section. Insert instead:

633C Part not to affect roads and traffic functions under other Acts

The provisions of this Part:

- (a) do not limit or restrict the operation of the road transport legislation with respect to roads or road related areas within the meaning of the *Road Transport (General) Act 1999* or the *Roads Act 1993* with respect to public roads, and
- (b) do not authorise the erection of any device if the erection of any such device is inconsistent with a function exercisable under the *Road Transport (Safety and Traffic Management) Act 1999* with respect to roads or road related areas within the meaning of that Act or under the *Roads Act 1993* with respect to public roads.

[2] Section 651 Liability of vehicle owner for certain offences

Omit section 651 (9). Insert instead:

(9) In this section:

- (a) a reference to a penalty notice is a reference to a penalty notice under Division 1 of Part 3 of the *Road Transport (General) Act 1999*, and
- (b) a reference to an owner of a vehicle is a reference to the responsible person for the vehicle within the meaning of the *Road Transport (General) Act 1999*, and
- (c) a reference to an authorised officer is a reference to a prescribed officer within the meaning of section 15 of the *Road Transport (General) Act 1999*.

[3] Dictionary

Omit “, but does not include a metered space (within the meaning of the *Traffic Act 1909*)” from the definition of *public car park*.

Insert instead “, but does not include a pay parking space under the *Road Transport (Safety and Traffic Management) Act 1999* prescribed by the regulations”.

2.20 Marine (Boating Safety—Alcohol and Drugs) Act 1991 No 80

[1] Section 3 Definitions

Omit the definitions of *analyst*, *breath analysing instrument*, *breath analysis* and *breath test* from section 3 (1).

Insert instead:

analyst, *breath analysing instrument*, *breath analysis* and *breath test* have the same meanings as they have in the *Road Transport (Safety and Traffic Management) Act 1999*.

[2] Section 3 (1), definition of “drug”

Omit the definition. Insert instead:

drug has the same meaning as it has in the *Road Transport (Safety and Traffic Management) Act 1999*.

[3] Section 3 (1), definition of “hospital”

Omit “section 4F of the *Traffic Act 1909*” from the definition.

Insert instead “section 19 of the *Road Transport (Safety and Traffic Management) Act 1999*”.

[4] Sections 11 (1), 24 (3) (c), 25 (5) (f) and 26 (4) (f)

Omit “*Traffic Act 1909*” wherever occurring.

Insert instead “*Road Transport (Safety and Traffic Management) Act 1999*”.

2.21 Marine Safety Act 1998 No 121

[1] Section 20 Definitions

Omit the definition of *drug* from section 20 (1). Insert instead:

drug has the same meaning as it has in the *Road Transport (Safety and Traffic Management) Act 1999*.

[2] Schedule 1 Alcohol and drugs—breath analysis and related matters

Omit “*Traffic Act 1909*” from clauses 1 (2), 2 (1), 15 (3) (c), 16 (5) (f) and 17 (4) (f) wherever occurring.

Insert instead “*Road Transport (Safety and Traffic Management) Act 1999*”.

2.22 Maritime Services Act 1935 No 47

Section 30C Liability of vehicle owner for parking offences

Omit the definition of *Owner* from section 30C (6). Insert instead:

Owner of a vehicle includes the responsible person for the vehicle within the meaning of the *Road Transport (General) Act 1999*.

2.23 Motor Accidents Act 1988 No 102

[1] Section 3 Definitions

Omit the definition of *excluded area* from section 3 (1). Insert instead:

excluded area means a road or road related area within the meaning of the *Road Transport (Vehicle Registration) Act 1997* that is the subject of a declaration made under section 9 (1) (b) of the *Road Transport (General) Act 1999* relating to all of the provisions of the *Road Transport (Vehicle Registration) Act 1997*.

[2] Section 3 (1), definition of “light rail vehicle”

Omit “*Traffic Act 1909*” from the definition of ***light rail vehicle*** in section 3 (1).

Insert instead “*Road Transport (Safety and Traffic Management) Act 1999*”.

[3] Section 3 (1), definition of “motor vehicle”

Omit the definition (and related note). Insert instead:

motor vehicle means a motor vehicle or trailer within the meaning of the *Road Transport (General) Act 1999*.

Note. The *Road Transport (General) Act 1999* defines ***motor vehicle*** to mean a vehicle that is built to be propelled by a motor that forms part of the vehicle.

[4] Section 3 (1), definition of “road related area”

Omit the definition. Insert instead:

road related area means an area (other than an excluded area):

- (a) referred to in paragraph (a), (b), (c), (d) or (e) of the definition of ***road related area*** in section 4 of the *Road Transport (Vehicle Registration) Act 1997*, or
- (b) referred to in paragraph (f) of that definition that has been declared under section 9 (1) (a) of the *Road Transport (General) Act 1999* to be an area to which the *Road Transport (Vehicle Registration) Act 1997* applies.

[5] Section 3 (1), definition of “trailer”

Omit the definition (and related note). Insert instead:

trailer means a trailer within the meaning of the *Road Transport (General) Act 1999*.

Note. The *Road Transport (General) Act 1999* defines ***trailer*** to mean a vehicle that is built to be towed, or is towed, by a motor vehicle, but does not include a motor vehicle that is being towed.

[6] Section 3 (1), definition of “vehicle”

Omit the definition (and related note). Insert instead:

vehicle means a vehicle within the meaning of the *Road Transport (General) Act 1999*.

Note. The *Road Transport (General) Act 1999* defines *vehicle* to mean any description of vehicle on wheels (including a light rail vehicle) but not including other vehicles used on railways or tramways.

[7] Section 42 Accident must be reported within 28 days

Omit “(whether under section 8 of the *Motor Traffic Act 1909* or otherwise)” from section 42 (1).

Insert instead “(whether under the regulations made under the *Road Transport (Safety and Traffic Management) Act 1999* or otherwise)”.

[8] Section 74 Contributory negligence—generally

Omit section 74 (2) (a) (i)–(iii). Insert instead:

- (i) section 9 of the *Road Transport (Safety and Traffic Management) Act 1999*, or
- (ii) section 12 of *Road Transport (Safety and Traffic Management) Act 1999*,

[9] Section 74 (2) (c) and (d)

Omit the paragraphs. Insert instead:

- (c) where the injured person (not being a minor) or the deceased person was, contrary to the requirements of regulations made under the *Road Transport (Safety and Traffic Management) Act 1999*, not wearing a seat belt as required by those regulations at the time of the motor accident,
- (d) where the injured person or the deceased person was, at the time of the motor accident, contrary to the requirements of regulations made under the *Road Transport (Safety and Traffic Management) Act 1999*, not wearing a protective helmet.

[10] Section 74 (5)

Omit the subsection. Insert instead:

(5) If, in relation to the motor accident, the injured person or deceased person is convicted of an offence under the *Road Transport (Safety and Traffic Management) Act 1999* of:

- (a) refusing or failing to submit to breath analysis, to undergo a breath test, to submit to an assessment of sobriety or to provide samples of the person's blood and urine, or
- (b) wilfully altering the concentration of alcohol in the person's blood, or
- (c) preventing a sample of the person's blood from being taken,

the person is taken, for the purposes of this section, to have been convicted of an offence under section 9 (4) of the *Road Transport (Safety and Traffic Management) Act 1999*.

[11] Section 76 Defence of voluntary assumption of risk

Omit section 76 (3). Insert instead:

(3) For the purposes of subsection (2), a motor vehicle is engaged in motor racing if it is participating in an organised motor sports event or an activity that is an offence under section 40 of the *Road Transport (Safety and Traffic Management) Act 1999*.

2.24 Motor Dealers Act 1974 No 52

Section 4 Definitions

Omit paragraph (a) from the definition of *inspection report* in section 4 (1).

Insert instead:

- (a) where no report is prescribed for the purposes of paragraph (b), an inspection report issued in accordance with the regulations made under the *Road Transport (Vehicle Registration) Act 1997*, or

2.25 Motor Vehicle Sports (Public Safety) Act 1985 No 24

[1] Section 3, definitions

Omit the definition of *motor vehicle*. Insert instead:

motor vehicle means a motor vehicle within the meaning of the *Road Transport (General) Act 1999*.

[2] Section 3, definition of “motor vehicle racing ground”

Omit “a road or road related area within the meaning of the *Traffic Act 1909* (other than a road or road related area that is the subject of a declaration made under section 2A (1) (b) of that Act)”.

Insert instead “a road or road related area within the meaning of the *Road Transport (General) Act 1999* (other than a road or road related area that is the subject of a declaration made under section 9 (1) (b) of that Act relating to all of the provisions of that Act)”.

2.26 Motor Vehicles Taxation Act 1988 No 111

[1] Section 3 Definitions

Omit the definitions of *motor tricycle* and *motor vehicle* from section 3 (1).

Insert in appropriate alphabetical order:

motor tricycle means any motor vehicle with 3 wheels and having a GVM (within the meaning of the *Road Transport (Vehicle Registration) Act 1997*) of 1 tonne or less.

motor vehicle means a motor vehicle (other than a light rail vehicle) or trailer within the meaning of the *Road Transport (General) Act 1999*.

[2] Section 3 (1), definition of “pensioner”

Omit “by virtue of the regulations under the *Traffic Act 1909*” from paragraph (c).

Insert instead “under the *Road Transport (Driver Licensing) Act 1998*”.

[3] Section 3 (1), definition of “road”

Omit the definition. Insert instead:

road means a road within the meaning of the *Road Transport (General) Act 1999* (other than a road that is the subject of a declaration made under section 9 (1) (b) of that Act relating to all of the provisions of that Act).

[4] Section 3 (1), definition of “road related area”

Omit the definition. Insert instead:

road related area means a road related area within the meaning of the *Road Transport (General) Act 1999* (other than a road related area that is the subject of a declaration made under section 9 (1) (b) of that Act relating to all of the provisions of that Act).

[5] Section 3 (1), definition of “station waggon”

Omit the definition. Insert instead:

station waggon has the same meaning as it has in the *Road Transport (Vehicle Registration) Regulation 1998*.

2.27 Mount Panorama Motor Racing Act 1989 No 108

[1] Section 3 Definitions

Omit the definition of *road*. Insert instead:

road means a road within the meaning of the *Road Transport (General) Act 1999* (other than a road that is the subject of a declaration made under section 9 (1) (b) of that Act relating to all of the provisions of that Act).

[2] Section 3, definition of “road related area”

Omit the definition. Insert instead:

road related area means a road related area within the meaning of the *Road Transport (General) Act 1999* (other than a road related area that is the subject of a declaration made under section 9 (1) (b) of that Act relating to all of the provisions of that Act).

[3] Section 12 Suspension and application of certain legislation etc

Omit section 12 (1) (b). Insert instead:

(b) section 40 of the *Road Transport (Safety and Traffic Management) Act 1999*, and

[4] Section 12 (3)

Omit the subsection. Insert instead:

(3) For the purposes of the road transport legislation within the meaning of the *Road Transport (General) Act 1999*, any road or road related area temporarily closed for the purposes of constituting the whole or part of the race track at the Mount Panorama Circuit on a day or days specified in a permit is not, while so closed, a road or road related area within the meaning of that legislation.

2.28 National Parks and Wildlife Act 1974 No 80

Section 159 Liability of vehicle owner for parking offences

Omit the definition of *owner* from section 159 (1). Insert instead:

owner of a vehicle includes the responsible person for the vehicle within the meaning of the *Road Transport (General) Act 1999*.

2.29 Passenger Transport Act 1990 No 39

[1] Section 3 Definitions

Omit the definition of *road*. Insert instead:

road means a road within the meaning of the *Road Transport (General) Act 1999* (other than a road that is the subject of a declaration made under section 9 (1) (b) of that Act relating to all of the provisions of that Act).

[2] Section 3, definition of “road related area”

Omit the definition. Insert instead:

road related area means a road related area within the meaning of the *Road Transport (General) Act 1999* (other than a road related area that is the subject of a declaration made under section 9 (1) (b) of that Act relating to all of the provisions of that Act).

2.30 Police Powers (Vehicles) Act 1998 No 166

[1] Section 3 Definitions

Omit the definition of *owner*. Insert instead:

owner of a vehicle means the responsible person for the vehicle within the meaning of the *Road Transport (General) Act 1999* and includes:

- (a) a person who is not such an owner but who usually has the care, control and custody of the vehicle, and
- (b) any other person prescribed by the regulations for the purposes of this definition.

[2] Section 3, definition of “road”

Omit the definition. Insert instead:

road means a road within the meaning of the *Road Transport (General) Act 1999* (other than a road that is the subject of a declaration made under section 9 (1) (b) of that Act relating to all of the provisions of that Act).

[3] Section 3, definition of “road related area”

Omit the definition. Insert instead:

road related area means a road related area within the meaning of the *Road Transport (General) Act 1999* (other than a road related area that is the subject of a declaration made under section 9 (1) (b) of that Act relating to all of the provisions of that Act).

2.31 Police Service Act 1990 No 47

[1] Section 211A Testing of police officers for alcohol and prohibited drugs

Omit section 211A (4C). Insert instead:

(4C) Any such medical practitioner must take the sample if informed by the authorised person that the sample is required to be taken by the practitioner, but not a sample of blood if such a sample is taken under Division 4 of Part 2 of the *Road Transport (Safety and Traffic Management) Act 1999* instead. That Division applies to any taking of a sample pursuant to this subsection as if the sample were a sample of blood taken under that Division.

[2] Section 211A (4D)

Omit the subsection. Insert instead:

- (4D) Any sample taken under subsection (4C) is to be dealt with, and a report on the analysis of the sample is to be provided, in accordance with the regulations. However, nothing in this section or the regulations derogates from the operation of Division 4 of Part 2 of the *Road Transport (Safety and Traffic Management) Act 1999*.

[3] Section 211A (7)

Omit “*Traffic Act 1909*” from paragraph (b) of the definition of *breath test*.

Insert instead “*Road Transport (Safety and Traffic Management) Act 1999*”.

2.32 Protection Of The Environment Operations Act 1997 No 156

[1] Section 160 Defences

Omit “(being a motor vehicle that immediately before that removal or other action was not registrable under the *Traffic Act 1909*)” from section 160 (3) (c).

Insert instead “(being a motor vehicle that immediately before that removal or other action was not registrable under the *Road Transport (Vehicle Registration) Act 1997*)”.

[2] Section 160 (6) (b)

Omit the paragraph. Insert instead:

- (b) was not registrable under the *Road Transport (Vehicle Registration) Act 1997*.

[3] Section 165 Suspension of registration

Omit “suspend the registration of a motor vehicle under the *Traffic Act 1909*” from section 165 (1).

Insert instead “suspend the registration of a motor vehicle under the *Road Transport (Vehicle Registration) Act 1997*”.

[4] Section 165 (6)

Omit the subsection. Insert instead:

- (6) While the registration of a motor vehicle is suspended under this section, the motor vehicle is taken, for the purposes of this Act, the *Road Transport (Vehicle Registration) Act 1997* and any other Act, not to be registered under that Act.

[5] Section 166 Prohibition on registration

Omit “*Traffic Act 1909*” from section 166 (1) (a).

Insert instead “*Road Transport (Vehicle Registration) Act 1997*”.

[6] Dictionary

Omit the definition of *motor vehicle*. Insert instead:

motor vehicle has the same meaning as it has in the *Road Transport (General) Act 1999*.

[7] Dictionary, “owner of a motor vehicle”

Omit the definition. Insert instead:

owner of a motor vehicle includes the responsible person for the vehicle within the meaning of the *Road Transport (General) Act 1999*.

2.33 Rail Safety Act 1993 No 50

[1] Schedule 2 Railway employees—alcohol or other drugs

Omit the definitions of *analyst*, *breath analysing instrument*, *breath analysis* and *breath test* from clause 1 (1).

Insert instead:

analyst, *breath analysing instrument*, *breath analysis* and *breath test* have the same meanings as they have in the *Road Transport (Safety and Traffic Management) Act 1999*.

[2] Schedule 2, clause 1 (1), definition of “drug”

Omit paragraph (b). Insert instead:

- (b) any substance that is a drug within the meaning of the *Road Transport (Safety and Traffic Management) Act 1999*.

[3] Schedule 2, clause 1 (1), definition of “hospital”

Omit “section 4F of the *Traffic Act 1909*” from the definition.

Insert instead “section 19 of the *Road Transport (Safety and Traffic Management) Act 1999*”.

[4] Schedule 2, clauses 1 (2), 20 (3) (c), 21 (5) (f) and 22 (4) (f)

Omit “*Traffic Act 1909*” wherever occurring

Insert instead “*Road Transport (Safety and Traffic Management) Act 1999*”.

[5] Dictionary of words and expressions

Omit “*Traffic Act 1909*” from the definition of *railway safety work*.

Insert instead “*Road Transport (Safety and Traffic Management) Act 1999*”.

2.34 Recreation Vehicles Act 1983 No 136

[1] Section 4 Definitions

Omit the definition of *district registry* from section 4 (1). Insert instead:

district registry means a motor registry within the meaning of section 20 of the *Road Transport (General) Act 1999*.

[2] Section 4 (1), definition of “motor vehicle”

Omit the definition. Insert instead:

motor vehicle means a motor vehicle (other than a light rail vehicle) or trailer within the meaning of the *Road Transport (General) Act 1999*.

[3] Section 5

Omit the section. Insert instead:

5 Application of road transport legislation

- (1) Except as provided by or under this Act, the road transport legislation does not apply to or in respect of a motor vehicle, or the driving of a motor vehicle, in a recreation vehicle area.
- (2) Subsection (1) does not limit the operation of section 15 of the *Road Transport (General) Act 1999* in respect of offences committed under this Act or the regulations.
- (3) In this Act, ***road transport legislation*** has the same meaning as it has in the *Road Transport (General) Act 1999*.

[4] Section 23 Application of certain offences under Road Transport (Safety and Traffic Management) Act 1999

Omit “Sections 4, 4E and 5 (2) of the *Traffic Act 1909*” from section 23 (1).

Insert instead “Sections 9, 12 and 42 of the *Road Transport (Safety and Traffic Management) Act 1999*”.

[5] Section 23 (2)

Omit “sections 4, 4E and 5 (2) of the *Traffic Act 1909*”.

Insert instead “sections 9, 12 and 42 of the *Road Transport (Safety and Traffic Management) Act 1999*”.

[6] Section 44 Regulations

Omit section 44 (3) (e). Insert instead:

- (e) provide that any specified provision of the road transport legislation within the meaning of the *Road Transport (General) Act 1999* applies (subject to such variations, if any, as are specified in the regulations under this Act) to and in respect of a motor vehicle, or the driving of a motor vehicle, in a recreation vehicle area,

2.35 Road Obstructions (Special Provisions) Act 1979 No 9

[1] Section 3 Definitions

Omit the definition of *motor vehicle* from section 3 (1). Insert instead:

motor vehicle means a motor vehicle or trailer within the meaning of the *Road Transport (General) Act 1999*.

[2] Section 3 (1), definition of “public road”

Omit the definition. Insert instead:

public road means a road or road related area within the meaning of the *Road Transport (General) Act 1999* (other than a road that is the subject of a declaration made under section 9 (1) (b) of that Act relating to all of the provisions of that Act).

2.36 Road Transport (Driver Licensing) Act 1998 No 99

[1] Section 1 Name of Act

Insert before section 1:

Note. This Act and the regulations made under it form part of the *road transport legislation* identified by section 5 of the *Road Transport (General) Act 1999*. Other road transport legislation includes the *Road Transport (General) Act 1999*, the *Road Transport (Safety and Traffic Management) Act 1999*, the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*, the *Road Transport (Vehicle Registration) Act 1997* and the regulations made under those Acts. As part of the road transport legislation, this Act is subject to various provisions in the *Road Transport (General) Act 1999* concerning the administration and enforcement of the road transport legislation generally.

[2] Section 3 Objects of Act

Omit the note to the section. Insert instead:

Note. This Act and the regulations under this Act establish a driver licensing system, including a demerit points system and providing for the issue, suspension, cancellation and renewal of driver licences and the classes of driver licences. Licences may be cancelled for offences under the *Fines Act 1996* as a result of failure to pay fines, in addition to the Authority's powers of cancellation under this Act and the regulations.

[3] Section 19 Regulations generally

Omit "Ministerial Council" from section 19 (2).
Insert instead "Australian Transport Council".

[4] Section 21 Review of prescribed decisions by Administrative Decisions Tribunal

Omit the section.

[5] Part 3 Offences

Omit the note under the Part heading.

[6] Section 25

Omit the section. Insert instead:

25 Driver must be licensed

- (1) A person must not, unless exempted by the regulations:
- (a) drive a motor vehicle on any road or road related area without being licensed for that purpose, or
 - (b) employ or permit any person not so licensed to drive a motor vehicle on any road or road related area.

Maximum penalty: 20 penalty units.

- (2) A person who has never been licensed must not, unless exempted by the regulations, drive a motor vehicle on any road or road related area without being licensed for that purpose.

Maximum penalty: 20 penalty units (in the case of a first offence) or 30 penalty units or imprisonment for a period 18 months or both (in the case of a second or subsequent offence).

- (3) If a person is convicted of an offence under subsection (2) (being a second or subsequent offence), the person is disqualified by the conviction (and without any specific order) for a period of 3 years from holding a driver licence. The disqualification is in addition to any penalty imposed for the offence.

Note. Section 26 of the *Road Transport (General) Act 1999* provides for the effect of a disqualification (whether or not by order of a court).

- (4) For the purposes of subsection (2), a person has not been licensed in connection with an offence if the person has not held a drivers licence (or equivalent) of any kind in Australia for the period of at least 5 years immediately before being convicted of the offence.

- (5) An offence under this section is a second or subsequent offence for the purposes of this section if:

(a) it is the second or subsequent occasion on which the person is convicted of an offence against this section within the period of 5 years immediately before the person is convicted of the offence, or

(b) within the period of 5 years immediately before the person is convicted of the offence, the person was convicted of:

- (i) an offence under section 6 (1C) or 7A of the *Traffic Act 1909* (as in force before its repeal), or
(ii) an offence under section 25 (2).

- (6) A person who has never been licensed cannot be convicted under both this section and section 25A in respect of driving on the same occasion. However, nothing in this section prevents the person from being convicted of an offence under section 25A in respect of driving that constitutes an offence under this section.
- (7) A person cannot be convicted under both subsection (1) (a) and (2) in respect of driving on the same occasion. A person charged with an offence under subsection (2) can be convicted instead of an offence under subsection (1) (a), but a person charged with an offence under subsection (1) (a) cannot be convicted instead of an offence under subsection (2).
- (8) Subsection (1) does not apply to or in respect of a light rail vehicle within the meaning of the *Road Transport (Safety and Traffic Management) Act 1999*.

25A Offences committed by disqualified drivers or drivers whose licences are suspended or cancelled

- (1) A person who is disqualified by or under any Act from holding or obtaining a driver licence must not:
 - (a) drive a motor vehicle on a road or road related area during the period of disqualification, or
 - (b) make an application for a driver licence during the period of disqualification and in respect of the application state his or her name falsely or incorrectly or omit to mention the disqualification.

Maximum penalty: 30 penalty units or imprisonment for 18 months or both (in the case of a first offence) or 50 penalty units or imprisonment for 2 years or both (in the case of a second or subsequent offence).

- (2) A person whose driver licence is suspended must not:
 - (a) drive on a road or road related area a motor vehicle of the class to which the suspended driver licence relates, or

- (b) make an application for a driver licence during the period of suspension for a motor vehicle of the class to which the suspended driver licence relates and in respect of such an application state his or her name falsely or incorrectly or omit to mention the suspension.

Maximum penalty: 30 penalty units or imprisonment for 18 months or both (in the case of a first offence) or 50 penalty units or imprisonment for 2 years or both (in the case of a second or subsequent offence).

- (3) A person whose application for a driver licence is refused or whose driver licence is cancelled must not:
 - (a) drive on a road or road related area a motor vehicle of the class to which the cancelled licence or the refused application related without having subsequently obtained a driver licence for a motor vehicle of that class, or
 - (b) make an application for a driver licence for a motor vehicle of the class to which the cancelled licence or the refused application related and in respect of the application state his or her name falsely or incorrectly or omit to mention the cancellation or refusal.

Maximum penalty: 30 penalty units or imprisonment for 18 months or both (in the case of a first offence) or 50 penalty units or imprisonment for 2 years or both (in the case of a second or subsequent offence).

- (4) For the purposes of subsection (3) (b), a person who applies for a driver licence for a class of motor vehicle need not mention a previous cancellation of a driver licence (or refusal of an application for a driver licence) for that class of motor vehicle if the person has obtained a driver licence after any such cancellation or refusal by means of an application that stated his or her name correctly and mentioned the cancellation or refusal.
- (5) Subsections (1) and (3) (a) do not apply to the driving of a motor vehicle in circumstances prescribed by the regulations.
- (6) An offence under this section is a second or subsequent offence for the purposes of this section if:

- (a) it is the second or subsequent occasion on which the person is convicted of an offence against this section within the period of 5 years immediately before the person is convicted of the offence, or
 - (b) within the period of 5 years immediately before the person is convicted of the offence, the person was convicted of:
 - (i) a major offence within the meaning of the *Road Transport (General) Act 1999*, or
 - (ii) an offence under section 6 (1C) of the *Traffic Act 1909* (as in force before its repeal), or
 - (iii) an offence under section 25 (2).
- (7) If a person is convicted by a court of an offence under subsection (1), (2) or (3) (a), the person:
- (a) is disqualified by the conviction (and without any specific order) for the relevant disqualification period from the date of expiration of the existing disqualification or suspension or from the date of such conviction, whichever is the later, from holding a driver licence, and
 - (b) may also be disqualified, for such additional period as the court may order, from holding a driver licence.
- Note.** Section 26 of the *Road Transport (General) Act 1999* provides for the effect of a disqualification (whether or not by order of a court).
- (8) The disqualification referred to in subsection (7) is in addition to any penalty imposed for the offence.
 - (9) Subsections (1)–(3) apply to a person who is disqualified from holding a licence, or whose licence is suspended or cancelled, by a court in Australia or under any law in this State or another State or Territory.
- (10) In this section, the ***relevant disqualification period*** is:
- (a) in the case of a first offence under subsection (1)—12 months, or
 - (b) in the case of a second or subsequent offence under subsection (1)—2 years.

- [7] **Section 26 Evidentiary provisions**
Omit the section.
- [8] **Section 27 Proceedings for offences**
Omit the section.
- [9] **Section 28 Application orders and emergency orders**
Omit the section.
- [10] **Section 29 Power to include or exclude areas**
Omit the section.
- [11] **Section 30 Power to exclude persons or vehicles**
Omit the section.
- [12] **Section 31 Personal liability**
Omit the section.
- [13] **Section 33 Cancellation of driver licences by Authority**
Omit “section 18B of the *Traffic Act 1909*” from section 33 (1) (a).
Insert instead “Division 1 of Part 3 of the *Road Transport (General) Act 1999*”.
- [14] **Section 33 (5)**
Omit the subsection. Insert instead:
(5) In this section:
speeding offence means an offence that involves exceeding a speed limit fixed by or under the *Road Transport (Safety and Traffic Management) Act 1999*.
- [15] **Schedule 3 Savings, transitional and other provisions**
Omit clause 4.
-

[16] Dictionary, definition of “Ministerial Council”

Omit the definition. Insert in appropriate alphabetical order:

Australian Transport Council means the Australian Transport Council referred to in section 3 of the *National Road Transport Commission Act 1991* of the Commonwealth or its successor.

[17] Dictionary, definition of “penalty notice”

Omit the definition. Insert instead:

penalty notice means:

- (a) a notice issued under Division 1 of Part 3 of the *Road Transport (General) Act 1999*, or
- (b) a penalty reminder notice issued under the *Fines Act 1996*.

[18] Dictionary, definition of “road related area”

Omit paragraph (e) of the definition. Insert instead:

- (e) a shoulder of a road, or
- (f) any other area that is open to or used by the public and that has been declared under section 9 of the *Road Transport (General) Act 1999* to be an area to which specified provisions of this Act or the regulations apply.

2.37 Road Transport (Heavy Vehicles Registration Charges) Act 1995 No 72

[1] Section 1 Name of Act

Insert before section 1:

Note. This Act and the regulations made under it form part of the **road transport legislation** identified by section 5 of the *Road Transport (General) Act 1999*. Other road transport legislation includes the *Road Transport (General) Act 1999*, the *Road Transport (Driver Licensing) Act 1998*, the *Road Transport (Vehicle Registration) Act 1997* and the regulations made under those Acts. As part of the road transport legislation, this Act is subject to various provisions in the *Road Transport (General) Act 1999* concerning the administration and enforcement of the road transport legislation generally.

[2] Section 3 Definitions

Omit paragraph (d) of the definition of *eligible pensioner*. Insert instead:

- (d) who is the holder of a current licence to drive a vehicle, being a licence for which no fee was payable by virtue of the *Road Transport (Driver Licensing) Act 1998* or the regulations made under that Act, or

[3] Section 3, definitions of “road”, “road related area” and “vehicle”

Omit the definitions. Insert in appropriate alphabetical order:

road means an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving or riding of motor vehicles.

road related area means:

- (a) an area that divides a road, or
- (b) a footpath or nature strip adjacent to a road, or
- (c) an area that is open to the public and is designated for use by cyclists or animals, or
- (d) an area that is not a road and that is open to or used by the public for driving, riding or parking vehicles, or
- (e) a shoulder of a road, or

- (f) any other area that is open to or used by the public and that has been declared under section 9 of the *Road Transport (General) Act 1999* to be an area to which specified provisions of this Act or the regulations apply.

road transport legislation has the same meaning as it has in the *Road Transport (General) Act 1999*.

vehicle means a motor vehicle or trailer within the meaning of the *Road Transport (General) Act 1999*.

[4] Section 3 (2)

Insert at the end of section 3:

- (2) Notes included in this Act are explanatory notes and do not form part of this Act.

[5] Section 32 Powers to do certain things not affected

Omit “the *Traffic Act 1909*”.

Insert instead “the road transport legislation (other than this Act)”.

2.38 Road Transport (Vehicle Registration) Act 1997 No 119

[1] Section 1 Name of Act

Insert before section 1:

Note. This Act and the regulations made under it form part of the **road transport legislation** identified by section 5 of the *Road Transport (General) Act 1999*. Other road transport legislation includes the *Road Transport (General) Act 1999*, the *Road Transport (Driver Licensing) Act 1998*, the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* and the regulations made under those Acts. As part of the road transport legislation, this Act is subject to various provisions in the *Road Transport (General) Act 1999* concerning the administration and enforcement of the road transport legislation generally.

[2] Section 4 Definitions

Omit paragraph (e) of the definition of **road related area**. Insert instead:

- (e) a shoulder of a road, or

- (f) any other area that is open to or used by the public and that has been declared under section 9 of the *Road Transport (General) Act 1999* to be an area to which specified provisions of this Act or the regulations apply.

[3] Section 15 Regulations to establish registration system

Omit section 15 (2) (j).

[4] Section 16 Regulations may exclude registrable vehicles from this Act

Omit section 16 (3).

[5] Section 17 Review of prescribed decisions by Administrative Decisions Tribunal

Omit the section.

[6] Section 21A

Insert after section 21:

21A Offences relating to identification numbers of engines and other parts of motor vehicles or trailers

A person must not:

- (a) if the person is not the manufacturer—stamp or affix or cause or permit any person to stamp or affix any identification number on or to the engine, engine block or any other part prescribed by the regulations of a motor vehicle or trailer without the written authority of the Authority and except as prescribed by the regulations, or
- (b) except as required or permitted by or under this Act—alter, deface, remove or obliterate any identification number stamped on or otherwise affixed to the engine, engine block or any other part prescribed by the regulations of a motor vehicle or trailer, or

- (c) without lawful authority or excuse, have in the person's possession any engine, engine block or other prescribed part of a motor vehicle or trailer knowing that the identification number stamped on or otherwise affixed to it has been altered, defaced, removed or obliterated otherwise than as required or permitted by or under this Act.

Maximum penalty: 20 penalty units or imprisonment for 6 months, or both.

[7] Section 22 Evidentiary provisions

Omit the section.

[8] Section 22A Proceedings for offences

Omit the section.

[9] Section 24 Application orders and emergency orders

Omit the section.

[10] Section 25 Power to include or exclude areas

Omit the section.

[11] Section 25A Power to exclude registrable vehicles

Omit the section.

[12] Section 27C

Insert after section 27B:

27C Seizure of number-plate

A police officer or person authorised by the Authority may seize any number-plate:

- (a) that is attached to:
 - (i) a registrable vehicle the registration of which has expired not less than 15 days before the date on which the number-plate is seized, or

- (ii) a registrable vehicle the registration of which has been cancelled, or
- (b) that has been used in contravention of a provision of the regulations that is prescribed by the regulations.

[13] Section 28 Indemnity

Omit the section.

[14] Schedule 3 Savings and transitional provisions

Omit clause 9.

2.39 Roads Act 1993 No 33

[1] Section 5 Right of passage along public road by members of the public

Omit section 5 (3) (a). Insert instead:

- (a) by or under the road transport legislation within the meaning of the *Road Transport (General) Act 1999*, or

[2] Section 52 Tollways

Omit section 52 (3). Insert instead:

- (3) A tollway is not a road or road related area within the meaning of the *Road Transport (General) Act 1999* for the purposes of any Act or law, or any provision of an Act or law, prescribed by the regulations for the purposes of this section.

[3] Section 102 Liability for damage to public road

Omit section 102 (1). Insert instead:

- (1) A person who causes damage to a public road, or to any road work on a public road or any traffic control facility on a road or road related area within the meaning of the *Road Transport (General) Act 1999* (other than a road or road related area that is the subject of a declaration made under section 9 (1) (b) of that Act relating to all of the provisions of that Act), is liable to pay to the appropriate roads authority the cost incurred by that authority in making good the damage.

[4] Section 124 Traffic Act 1909 to prevail

Omit the section.

[5] Section 144 Permits for road events

Omit section 144 (3). Insert instead:

- (3) A permit may not be granted with respect to an activity for which an approval is required under section 40 of the *Road Transport (Safety and Traffic Management) Act 1999* unless such an approval is in force.

[6] Section 144B Roads authority not to obstruct light rail system

Omit section 144B (4). Insert instead:

- (4) Nothing in this section prevents the temporary closure of any road or road related area within the meaning of the *Road Transport (General) Act 1999* (other than a road or road related area that is the subject of a declaration made under section 9 (1) (b) of that Act relating to all of the provisions of that Act) or the taking of other action that is authorised by section 74 of the *Road Transport (Safety and Traffic Management) Act 1999*.

[7] Section 225 Certain fines to be paid into RTA Fund

Omit “*Traffic Act 1909*”.

Insert instead “*Road Transport (General) Act 1999*”.

[8] Section 231A Vehicles contravening load requirements

Omit the definition of *road or road related area* from section 231A (6).
Insert instead:

road or road related area means a road or road related area within the meaning of the *Road Transport (General) Act 1999* (other than a road or road related area that is the subject of a declaration made under section 9 (1) (b) of that Act relating to all of the provisions of that Act).

[9] Section 244 Liability of owner of vehicle for certain driving offences

Omit section 244 (9). Insert instead:

- (9) If action is taken under Division 1 of Part 3 of the *Road Transport (General) Act 1999* in relation to an offence to which this section applies:
- (a) a reference in this section to a penalty notice is taken to be a reference to a penalty notice under that Division, and
 - (b) a reference in this section to an owner of a vehicle is a reference to a responsible person for a vehicle within the meaning of that Act, and
 - (c) a reference in this section to an authorised officer is a reference to an authorised officer within the meaning of that Division.

[10] Section 264A National road transport regulations

Omit section 264A (4) (b). Insert instead:

- (b) apply any provisions of the road transport legislation within the meaning of the *Road Transport (General) Act 1999* relating to the prosecution of offences or enforcement or relating to evidential matters to the exclusion of provisions of this Act or other regulations made under this Act relating to those matters.

[11] Section 264A (8)

Omit the subsection. Insert instead:

- (8) A regulation may be made under this section even though it may be made under the road transport legislation within the meaning of the *Road Transport (General) Act 1999*.

[12] Section 264B

Insert after section 264A:

264B Regulations may provide that Roads Act 1993 does not apply in certain circumstances

For the purpose of facilitating the administration and enforcement of the road transport legislation (within the meaning of the *Road Transport (General) Act 1999*), the regulations may provide that any specified provision of the *Roads Act 1993* (or any specified regulation made under any provision of that Act) does not apply to a vehicle, person or animal (or any class of vehicles, persons or animals) to the extent specified by the regulations.

[13] Dictionary

Omit the definition of *traffic control facility*. Insert instead:

traffic control facility has the same meaning as it has in Part 6 of the *Transport Administration Act 1988*, and *carry out traffic control work* includes carry out any activity in connection with the construction, erection, installation, maintenance, repair, removal or replacement of a traffic control facility.

2.40 Royal Botanic Gardens and Domain Trust Act 1980 No 19

[1] Section 22A Liability of vehicle owner for parking offences

Omit the definition of *owner* from section 22A (7). Insert instead:

owner of a vehicle includes the responsible person for the vehicle within the meaning of the *Road Transport (General) Act 1999*.

[2] Section 22A (7), definitions of “registered” and “trader’s plate”

Omit the definitions.

2.41 Search Warrants Act 1985 No 37

Section 10 Definitions

Omit “section 4BD of the *Traffic Act 1909*,” from the definition of *search warrant*.

Insert in appropriate alphabetical order:

section 41 of the *Road Transport (General) Act 1999*,

2.42 State Sports Centre Trust Act 1984 No 68

[1] Section 20A Liability of vehicle owner for parking offences

Omit paragraph (b) from the definition of *owner* in section 20A (7).
Insert instead:

(b) in the case of a motor vehicle—the responsible person for the vehicle within the meaning of the *Road Transport (General) Act 1999*.

[2] Section 20A (7), definitions of “registered” and “trader’s plate”

Omit the definitions.

2.43 Summary Offences Act 1988 No 25

Section 3 Definitions

Omit the definitions of *road* and *road related area* from section 3 (1).
Insert instead:

road means a road within the meaning of the *Road Transport (General) Act 1999* (other than a road that is the subject of a declaration made under section 9 (1) (b) of that Act relating to all of the provisions of that Act).

road related area means a road related area within the meaning of the *Road Transport (General) Act 1999* (other than a road related area that is the subject of a declaration made under section 9 (1) (b) of that Act relating to all of the provisions of that Act).

2.44 Supreme Court Act 1970 No 52

[1] Section 69C Stay of execution of conviction, order or sentence pending appeal

Omit “*Traffic Act 1909*” from section 69C (5).

Insert instead “road transport legislation within the meaning of the *Road Transport (General) Act 1999*”.

[2] Section 87 Common law claim—running down cases

Omit section 87 (3). Insert instead:

(3) In subsection (2):

motor vehicle means a motor vehicle or trailer within the meaning of the *Road Transport (General) Act 1999*, but does not include a vehicle used on a tramway.

road means a road within the meaning of the *Road Transport (General) Act 1999* (other than a road that is the subject of a declaration made under section 9 (1) (b) of that Act relating to all of the provisions of that Act).

road related area means a road related area within the meaning of the *Road Transport (General) Act 1999* (other than a road related area that is the subject of a declaration made under section 9 (1) (b) of that Act relating to all of the provisions of that Act).

2.45 Sydney Harbour Foreshore Authority Act 1998 No 170

Section 23

Omit the section. Insert instead:

23 Parking

- (1) The Authority has, in relation to core land, non-core land and managed land, the same functions as a council and other persons and bodies have under the pay parking regulations.
- (2) The regulations may provide for how references to persons and areas in the pay parking regulations are to be read in their application to the Authority and to core land, non-core land and managed land.
- (3) In this section, *pay parking regulations* means regulations made under the *Road Transport (Safety and Traffic Management) Act 1999* in respect of pay parking.

2.46 Sydney Harbour Tunnel (Private Joint Venture) Act 1987 No 49

Section 14 Sydney Harbour Tunnel not a public road or road or road related area

Omit section 14 (2). Insert instead:

- (2) The provisions of the road transport legislation within the meaning of the *Road Transport (General) Act 1999* apply to and in respect of the Sydney Harbour Tunnel as if it were a road or road related area.

2.47 Tow Truck Act 1989 No 158

[1] Section 3 Definitions

Omit the definition of *motor vehicle* from section 3 (1). Insert instead:

motor vehicle means a motor vehicle (other than a light rail vehicle) or trailer within the meaning of the *Road Transport (General) Act 1999*.

[2] Section 3 (1), definitions of “road” and “road related area”

Omit the definitions. Insert instead:

road means a road within the meaning of the *Road Transport (General) Act 1999* (other than a road that is the subject of a declaration made under section 9 (1) (b) of that Act relating to all of the provisions of that Act).

road related area means a road related area within the meaning of the *Road Transport (General) Act 1999* (other than a road related area that is the subject of a declaration made under section 9 (1) (b) of that Act relating to all of the provisions of that Act).

2.48 Tow Truck Industry Act 1998 No 111

[1] Section 3 Definitions

Omit the definition of *motor vehicle* from section 3 (1). Insert instead:

motor vehicle means a motor vehicle (other than a light rail vehicle) or trailer within the meaning of the *Road Transport (General) Act 1999*.

[2] Section 3 (1), definitions of “road” and “road related area”

Omit the definitions. Insert instead:

road means a road within the meaning of the *Road Transport (General) Act 1999* (other than a road that is the subject of a declaration made under section 9 (1) (b) of that Act relating to all of the provisions of that Act).

road related area means a road related area within the meaning of the *Road Transport (General) Act 1999* (other than a road related area that is the subject of a declaration made under section 9 (1) (b) of that Act relating to all of the provisions of that Act).

[3] Section 17 Application for licence

Omit section 17 (2) (e). Insert instead:

- (e) provide proof that the applicant is the responsible person (within the meaning of the *Road Transport (General) Act 1999*) for each of those tow trucks, and

[4] Section 26 Restrictions on granting drivers certificate

Omit “the *Traffic Act 1909* or” from section 26 (5).

2.49 Transport Administration Act 1988 No 109

[1] Part 6, Division 1

Insert after the Part heading:

Division 1 Interpretation

45E Interpretation

- (1) In this Part:

approaches, in relation to an intersection or railway crossing, means so much of the approaches to the intersection or crossing as consist of roads or road related areas or of parts of roads or road related areas.

distribution district of an electricity distributor means the electricity distributor’s distribution district within the meaning of the *Electricity Supply Act 1995*.

electricity distributor means an electricity distributor within the meaning of the *Electricity Supply Act 1995*.

electricity structure means any structure erected or maintained by an electricity distributor for the purpose of transmission or distribution of electricity or for the purpose of public lighting.

intersection means an intersection or junction of roads or road related areas.

public authority means a public or local authority constituted by or under an Act, and includes the following:

- (a) the Police Service,
- (b) any Government department,
- (c) a statutory body representing the Crown,
- (d) a person or body prescribed by the regulations for the purposes of this definition.

road has the same meaning as it has in the *Road Transport (General) Act 1999*.

road related area has the same meaning as it has in the *Road Transport (General) Act 1999*.

traffic control facility means:

- (a) traffic control lights on roads or road related areas, and equipment used in connection with traffic control lights, or
- (b) any sign, marking, structure or device containing or relating to a requirement or direction, contravention of which is an offence arising under:
 - (i) this Act or the regulations, or
 - (ii) any other Act, regulation or by-law prescribed for the purposes of this subparagraph, or
- (c) any other sign, marking, structure or device that is intended to promote safe or orderly traffic movement on roads or road related areas or to warn, advise or inform the drivers of vehicles, or pedestrians, of any matter or thing in relation to vehicular or pedestrian traffic or road conditions or hazards, or
- (d) any bridge or subway or other facility for use by pedestrians over, across, under or alongside a road or road related area, or

- (e) any other thing prescribed as a traffic control facility by the regulations.

traffic route means:

- (a) a main road or secondary road within the meaning of the *Roads Act 1993*, or
 - (b) a public road within the meaning of that Act (other than a main road or secondary road) in respect of which the Authority has, by reason of the volume of vehicular or pedestrian traffic carried on it, determined requires lighting to a standard approved by the Authority.
- (2) A reference (however expressed) in this Part to any thing, person or traffic, on a road or road related area, includes a reference to any thing, person or traffic above, over, across, in or under a road or road related area.

[2] Part 6, Division 1, heading

Omit the heading. Insert instead:

Division 1A Constitution and management of Roads and Traffic Authority

[3] Part 6, Division 1A

Insert after section 49:

Division 1B Functions of Roads and Traffic Authority

[4] Section 52A

Insert after section 52:

52A Functions relating to traffic management and safety

- (1) The functions of the Authority include the following:
 - (a) to review the traffic arrangements in the State (including arrangements in connection with the movement, regulation and control of traffic and the parking of vehicles),

- (b) to formulate or adopt plans and proposals for the improvement of those arrangements,
- (c) to establish general standards and principles in connection with:
 - (i) the design, construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities, and
 - (ii) the design of intersections and the approaches to them or the approaches to railway level crossings,

for purposes connected with traffic safety and the movement, regulation and control of traffic,

- (d) to promote traffic safety,
- (e) to co-ordinate the activities of public authorities so far as those activities relate to:
 - (i) the carrying out of plans and proposals formulated or adopted by the Authority for the improvement of traffic arrangements, or
 - (ii) the design, construction, erection, affixing, marking, maintenance, repair, alteration, operation or removal of traffic control facilities, or
 - (iii) traffic safety, or
 - (iv) any other matter connected with the Authority's functions under this Part.

(2) The Authority may:

- (a) promote traffic safety measures or activities, including measures or activities for:
 - (i) the safety and protection of the public, including pedestrians, on roads or road related areas, and
 - (ii) the prevention of accidents on roads or road related areas, and
 - (iii) the minimising of the effect of accidents on roads or road related areas, and
 - (iv) the protection of property from damage from accidents on roads or road related areas, and

- (b) promote or engage in the dissemination and publication by suitable media of advice and information resulting from research or otherwise for the education and guidance of, and observance by, drivers of or persons travelling in vehicles, or persons on roads or road related areas, or manufacturers of, repairers of, or dealers in, vehicles or vehicle parts, and
- (c) make reports or recommendations to the Minister for Roads, or any other person or body, in relation to the following:
 - (i) traffic arrangements, and the movement, regulation and control of traffic, on roads or road related areas,
 - (ii) traffic planning,
 - (iii) traffic safety,
 - (iv) the parking of vehicles,
 - (v) the operation, maintenance or alteration of traffic control facilities,
 - (vi) any other matter connected with the Authority's functions under this Part, and
- (d) carry out or promote research or investigations into matters connected with any of the Authority's functions under this Part including research or investigations into:
 - (i) traffic control facilities, and
 - (ii) the cause of accidents, their incidence and the ways and means that may be adopted for their prevention or for controlling or mitigating their effects.

[5] Part 6, Division 1C

Insert after section 53:

Division 1C Directions and recommendations to public authorities

53A Directions to public authorities

- (1) The Authority may, from time to time, direct public authorities to implement plans or proposals formulated or adopted, general standards or general principles established, or other decisions made, by the Authority in the exercise of the Authority's functions under this Part.
- (2) The Authority may communicate directions under this section to such public authorities, and in such manner, as it thinks fit.
- (3) While a direction communicated to a public authority under this section and applicable to its functions is in force, it is the duty of the public authority, by the exercise of its functions in accordance with law, to comply with the direction, except if to do so:
 - (a) would be impracticable because of emergency, accident or other special circumstances, or
 - (b) would affect the functions of any person or body with respect to the laying or making of any information or complaint, the continuance or discontinuance of any proceedings for an alleged offence or any other manner of dealing with an alleged offence.
- (4) The failure of a public authority to comply with a direction of the Authority under this section does not invalidate any act, matter or thing to which the direction relates, and in particular does not invalidate the construction, erection, affixing or marking of any traffic control facility or any direction that is contained in or relates to the facility.
- (5) A direction may be given under this section so as to apply generally or in any particular case or class of cases.
- (6) The power to give a direction includes the power to amend or revoke a direction.

- (7) The Authority may bring proceedings in the Supreme Court for an order to require a public authority to comply with a direction under this section.
- (8) The Supreme Court may, in any such proceedings, make such order as it thinks fit.

53B Recommendations as to lighting of roads and road related areas

- (1) The Authority may, for the purpose of promoting traffic safety, make recommendations to a public authority in relation to the public authority's functions in connection with the lighting of roads or road related areas, including recommendations in relation to the following:
 - (a) general principles relating to the provision of lighting on roads or road related areas,
 - (b) the need for lighting on any particular road or road related area or part of a road or road related area,
 - (c) the need for the improvement of lighting on any particular road or road related area or part of a road or road related area.
- (2) It is the duty of a public authority to which recommendations are made under this section to give them proper consideration and, as far as may be reasonably practicable, to carry them into effect.

53C Inter-relationship of Division with law relating to local government

- (1) If the provisions of this Division are inconsistent with the provisions of the *Local Government Act 1993* (or any statutory rule made under any Act), the provisions of this Division prevail.
- (2) Nothing in this Division applies to or in respect of any sign, mark, structure or device containing or relating to a requirement or direction, contravention of which gives rise to an offence under the *Local Government Act 1993* (or any regulation under that Act), but not under any other Act or regulation.

- (3) Any person who or body which would not, but for this subsection, have the power to co-operate with, or do or perform any act or thing in conjunction with, the Authority is authorised by this section so to co-operate or do or perform the act or thing.

[6] Sections 80A–80C

Insert after section 80:

80A Payments of subsidies to councils for traffic route lighting

- (1) The Authority may, with the approval of the Minister, grant annual subsidies to councils for the lighting, to a standard approved by the Authority, of traffic routes.
- (2) Before granting any such subsidy the Authority may require a council to enter into an agreement with the Authority to secure the carrying out of the purposes for which, and the terms and conditions on and subject to which, the subsidy is granted.

80B Authority to make available money for subsidies

- (1) In the period of 12 months commencing on 1 July each year, the Authority must make available the amount of subsidies that the Minister with the concurrence of the Treasurer estimates will be granted to councils under this Part in that period of 12 months.
- (2) The Minister, before the commencement of each period of 12 months referred to in subsection (1), is to serve a notice on the Authority specifying the amount of the payment required.
- (3) An amount payable under this section in any period of 12 months is to be paid in such sum or sums, at such time or times during that period and in such manner as the Minister may require in and by the notice referred to in subsection (2).
- (4) The Authority may make the whole or any part of a payment required by this section out of the Roads and Traffic Authority Fund.

80C Payments of subsidies to electricity distributors for removal or relocation of electricity structures

- (1) The Authority may, with the approval of the Minister, grant subsidies to an electricity distributor for or towards the cost of removing or relocating electricity structures erected, within the distribution district of the distributor, on or adjacent to public roads, being electricity structures which the Authority has determined require removal or relocation for the purposes of traffic safety.
- (2) Before granting any such subsidy, the Authority may require an electricity distributor referred to in subsection (1) to enter into an agreement with the Authority to secure the carrying out of the purposes for which, and the terms and conditions upon and subject to which, the subsidy is granted.

[7] Schedule 7 Savings, transitional and other provisions

Insert at the end of clause 2 (1):

Road Transport Legislation Amendment Act 1999 (but only in relation to the amendments to this Act).

[8] Schedule 7, Part 6

Insert after Part 5:

Part 6 Provisions consequent on enactment of Road Transport Legislation Amendment Act 1999

77 Definitions

- (1) In this Part:
 - amending Act* means the *Road Transport Legislation Amendment Act 1999*.
 - repealed Act* means the *Traffic Act 1909* as in force immediately before its repeal by the amending Act.
- (2) For the purposes of this Part, a provision of this Act corresponds to a provision of the repealed Act if the

provision is in the same (or in substantially the same) terms as the provision in the repealed Act.

78 Traffic routes under section 10X of repealed Act

A public road that was a traffic route within the meaning of paragraph (b) of the definition of *traffic route* in section 10X of the repealed Act immediately before its repeal is taken to be a traffic route within the meaning of section 45E (1) of this Act.

79 Directions to public authorities under section 2G of repealed Act

Any direction given by the Authority to a public authority under section 2G of the repealed Act that was in force immediately before the repeal of that Act is taken to be a directive given to the public authority under section 53A of this Act.

80 Recommendations to public authorities under section 2H of repealed Act in respect of lighting

Any recommendation made by the Authority to a public authority under section 2H of the repealed Act that was in force immediately before the repeal of that Act is taken to be a recommendation made to the public authority under section 53B of this Act.

81 Subsidies granted but not paid under Part 3C or 3D of repealed Act

- (1) Any subsidy granted to a council under Part 3C of the repealed Act that is still payable to the council immediately before the repeal of that Act is taken to be a subsidy granted and payable to the council under the corresponding provisions of Division 3 of Part 8 of this Act (as amended by the amending Act).
- (2) Any subsidy granted to an electricity distributor under Part 3D of the repealed Act that is still payable to the council immediately before the repeal of that Act is taken to be a subsidy granted and payable to the electricity distributor under the corresponding provisions of Division 3 of Part 8 of this Act (as amended by the amending Act).

82 Running of subsidy periods under section 10Z of repealed Act

If a period of 12 months commencing on a 1 July commenced under section 10Z of the repealed Act had not expired immediately before the repeal of that section, section 80B applies to the unexpired period as if it had been in force when the period of 12 months first commenced.

2.50 Workers Compensation Act 1987 No 70

Section 10 Journey claims

Omit "*Traffic Act 1909*" from section 10 (1B).

Insert instead "*Road Transport (Safety and Traffic Management) Act 1999*".

Schedule 3 Consequential amendment of Regulations

(Section 4)

3.1 Ambulance Services (Staff) Regulation 1995

Clause 13 Offences to be reported

Omit the definition of *traffic offence* from clause 13 (4). Insert instead:

traffic offence means any of the following offences:

- (a) the offence under section 42 of the *Road Transport (Safety and Traffic Management) Act 1999* relating to driving a motor vehicle upon a road or road related area furiously or recklessly or at a speed or in a manner which is dangerous to the public,
- (b) the offence under section 42 of the *Road Transport (Safety and Traffic Management) Act 1999* relating to driving a motor vehicle upon a road or road related area negligently,
- (c) the offence under section 43 of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to menacing driving),
- (d) the offences under section 9 of the *Road Transport (Safety and Traffic Management) Act 1999* (which relate to presence of prescribed concentration of alcohol in person's blood),
- (e) the offences under section 19 (2) of the *Road Transport (General) Act 1999* (which relate to refusing to produce a motor vehicle driver's licence when required or to state a name and home address, or stating a false name and home address),
- (f) the offences under section 12 (1) of the *Road Transport (Safety and Traffic Management) Act 1999* (which relate to driving etc. while under the influence of alcohol or any other drug),

- (g) the offences under section 25A (1) and (3) of the *Road Transport (Driver Licensing) Act 1998* (which relate to driving while unlicensed),
- (h) the offences under section 70 of the *Road Transport (Safety and Traffic Management) Act 1999* (which relate to failing to stop after an accident and give assistance).

3.2 Charitable Fundraising Regulation 1998

Clause 27 Soliciting from occupants of motor vehicles

Omit clause 27 (2). Insert instead:

(2) In this clause:

road means a road within the meaning of the *Road Transport (General) Act 1999* (other than a road that is the subject of a declaration made under section 9 (1) (b) of that Act relating to all of the provisions of that Act).

road related area means a road related area within the meaning of the *Road Transport (General) Act 1999* (other than a road related area that is the subject of a declaration made under section 9 (1) (b) of that Act relating to all of the provisions of that Act).

3.3 Crimes (Detention After Arrest) Regulation 1998

Clause 13 Custody managers not prevented from exercising other functions

Omit clause 13 (b). Insert instead:

- (b) any function under the provisions of Part 2 of the *Road Transport (Safety and Traffic Management) Act 1999* (such as carrying out a breath analysis).

3.4 Dangerous Goods Regulation 1978

[1] Clause 15A Register of drivers of vehicles used to carry dangerous goods

Omit clause 15A (8) (b). Insert instead:

- (b) who has committed an offence against the Act, this Regulation or the road transport legislation within the meaning of the *Road Transport (General) Act 1999*,

[2] Clause 281A

Omit the clause. Insert instead:

281A Use of liquefied flammable gas in motor vehicles

A person must not put any liquefied flammable gas in the air-conditioning system of a motor vehicle (within the meaning of the *Road Transport (Vehicle Registration) Act 1997*).

3.5 Dangerous Goods (Gas Installations) Regulation 1998

Clause 26 Identification labels

Omit “*Traffic Act 1909*” from clause 26 (2).

Insert instead “*Road Transport (Vehicle Registration) Act 1997*”.

3.6 Driving Instructors Regulation 1993

Clause 10 Duplicate driving controls

Omit clause 10 (2) (d). Insert instead:

- (d) to an implement within the meaning of the *Road Transport (Vehicle Registration) Regulation 1998*.

3.7 Fines Regulation 1997

[1] Clause 12 Vehicle or vessel offences: section 38

Omit “*Traffic Act 1909*” from clause 12 (1) wherever occurring.

Insert instead “*Road Transport (Safety and Traffic Management) Act 1999*”.

[2] Clause 12 (2)

Omit the matter relating to the *Traffic Act 1909*, section 18A.

Insert in appropriate alphabetical order:

- *Road Transport (General) Act 1999*, section 43

3.8 Fire Brigades (General) Regulation 1997

[1] Clause 8 Appointments to the permanent fire brigade

Omit clause 8 (2) (c). Insert instead:

- (c) holds a current driver licence under the *Road Transport (Driver Licensing) Act 1998*, and

[2] Clause 9 Appointments to volunteer fire brigades

Omit clause 9 (3) (c). Insert instead:

- (c) holds a current driver licence under the *Road Transport (Driver Licensing) Act 1998*, and

[3] Clause 17 Unacceptable behaviour

Omit clause 17 (3). Insert instead:

- (3) In this clause:

drug has the same meaning as it has in the *Road Transport (Safety and Traffic Management) Act 1999* (paragraph (a) of the definition of *drug* in the Dictionary of that Act excepted).

3.9 Home Building Regulation 1997

Clause 6 “Dwelling”—certain residential buildings and other structures excluded

Omit “*Traffic Act 1909*” from clause 6 (h).

Insert instead “*Road Transport (Vehicle Registration) Act 1997*”.

3.10 Justices (Short Descriptions of Motor Traffic and Other Offences) Regulation 1986

Schedule 1

Omit the matter relating to the *General Traffic Regulations 1916*, the *General Traffic (Pedestrian) Regulations 1937*, the *Motor Traffic Regulations 1935* and the *Traffic Act 1909*.

3.11 Local Government (Approvals) Regulation 1993

[1] Clause 98 Activities for which approval is not required

Omit clause 98 (d) (iii). Insert instead:

- (iii) in a motor vehicle registered under the *Road Transport (Vehicle Registration) Act 1997* that is used primarily for road transport.

[2] Clause 98 (e) (iii)

Omit the subparagraph. Insert instead:

- (iii) in a motor vehicle registered under the *Road Transport (Vehicle Registration) Act 1997* that is used primarily for road transport.

3.12 Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995

[1] Dictionary

Omit the definition of *campervan*. Insert instead:

campervan means a moveable dwelling (other than a caravan) that is designed so as to be registrable as a motor vehicle under the *Road Transport (Vehicle Registration) Act 1997*, and includes a camper trailer.

[2] Dictionary, definition of “caravan”

Omit the definition. Insert instead:

caravan means a moveable dwelling that is designed so as to be registrable as a trailer under the *Road Transport (Vehicle Registration) Act 1997*, but does not include a camper trailer.

[3] Dictionary, definition of “park van”

Omit the definition. Insert instead:

park van means a moveable dwelling (other than a tent), whether or not capable of being registered under the *Road Transport (Vehicle Registration) Act 1997*, that:

- (a) is or usually is continuously located on a short-term site, and
- (b) is provided for hire, and
- (c) is used by a site occupier other than the owner of the moveable dwelling primarily for holiday purposes.

[4] Dictionary, definition of “relocatable home”

Omit the definition. Insert instead:

relocatable home means:

- (a) a manufactured home, or
- (b) any other moveable dwelling (whether or not self-contained) that comprises one or more major sections, including any associated structure that forms part of the dwelling,

but does not include a tent, caravan or campervan or any moveable dwelling that is capable of being registered under the *Road Transport (Vehicle Registration) Act 1997*.

3.13 Medical Practice Regulation 1998

Clause 6 Offences for which notice of conviction of medical practitioner not required

Omit clause 6 (1). Insert instead:

- (1) All the offences under the road transport legislation (within the meaning of the *Road Transport (General) Act 1999*) are prescribed offences for the purposes of section 71 of the Act, except for the following offences:
 - (a) an offence under section 42 of the *Road Transport (Safety and Traffic Management) Act 1999* relating to driving a motor vehicle upon a public street furiously or recklessly or at a speed or in a manner which is dangerous to the public,
 - (b) an offence under section 42 of the *Road Transport (Safety and Traffic Management) Act 1999* relating to driving a motor vehicle upon a public street negligently if the registered medical practitioner is, by way of penalty, sentenced to imprisonment or fined a sum of not less than \$200,

- (c) any offence under section 19 (2) of the *Road Transport (General) Act 1999* (which relates to refusing to produce a driver licence when required or to state name and home address, or stating a false name and home address),
- (d) any offence under section 12 (1) of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to driving etc while under the influence of alcohol or any other drug),
- (e) any offence under section 25A (1), (2) or (3) of the *Road Transport (Driver Licensing) Act 1998* (which relates to driving while unlicensed),
- (f) any offence under section 70 of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to failing to stop after an accident),
- (g) any offence under section 9 of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to presence of prescribed concentration of alcohol in person's blood),
- (h) an offence under section 43 of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to menacing driving),
- (i) any other offence under the road transport legislation if the court orders the disqualification of the medical practitioner from holding a driver licence.

3.14 Motor Dealers Regulation 1986

[1] Clause 4 Definitions

Omit the definition of *plate date* from clause 4 (1). Insert instead:

plate date means the date on an identification plate within the meaning of the *Road Transport (Vehicle Registration) Regulation 1998*.

[2] Clause 4 (1), definition of “vehicle identification number” or “VIN”

Omit “(as defined in Regulation 2 of the *Motor Traffic Regulations 1935*)”.

Insert instead “(as defined in the *Road Transport (Vehicle Registration) Regulation 1998*)”.

[3] Clause 27 Certificate of inspection

Omit “the regulations under the *Traffic Act 1909*” from clause 27 (1).

Insert instead “the *Road Transport (Vehicle Registration) Act 1997*”.

3.15 Noise Control (Miscellaneous Articles) Regulation 1995

[1] Clause 3 Definitions

Omit “*Traffic Act 1909*” from the definition of *mobile air compressor* in clause 3 (1).

Insert instead “*Road Transport (Vehicle Registration) Act 1997*”.

[2] Clause 17 Labelling of mobile garbage compactors

Omit “*Traffic Act 1909*” from clause 17 (1).

Insert instead “*Road Transport (Vehicle Registration) Act 1997*”.

3.16 Noise Control (Motor Vehicles and Motor Vehicle Accessories) Regulation 1995

[1] Clause 4 Sale of motor vehicles generally

Omit “*Traffic Act 1909*” from clause 4 (2) (b).

Insert instead “*Road Transport (Vehicle Registration) Act 1997*”.

[2] Clause 6 Sale of motor vehicle horns generally

Omit clause 6 (3) (f). Insert instead:

- (f) a vehicle in respect of which the Roads and Traffic Authority has given written approval for the attachment of a horn or similar device for the purposes of Schedule 4 to the *Road Transport (Vehicle Registration) Regulation 1998*.

[3] Clause 18 Use of motor vehicle horns generally

Omit clause 18 (2) (f). Insert instead:

- (f) a vehicle in respect of which the Roads and Traffic Authority has given written approval for the attachment of a horn or similar device for the purposes of Schedule 4 to the *Road Transport (Vehicle Registration) Regulation 1998*.

[4] Clause 29 Defective vehicle notices

Omit “*Traffic Act 1909*” from clause 29 (3) (c).

Insert instead “*Road Transport (Vehicle Registration) Act 1997*”.

[5] Clause 31 Suspension of registration pending inspection

Omit “*Traffic Act 1909*” from clause 31 (1).

Insert instead “*Road Transport (Vehicle Registration) Act 1997*”.

[6] Clause 32 Prohibition on registration of certain motor vehicles

Omit “*Traffic Act 1909*” from clause 32 (1) (a).

Insert instead “*Road Transport (Vehicle Registration) Act 1997*”.

3.17 Passenger Transport (Bus Services) Regulation 1995

[1] Clause 8 Records of drivers

Omit “*Traffic Act 1909*” from clause 8 (1) (b).

Insert instead “*Road Transport (Driver Licensing) Act 1998*”.

[2] Clause 13 Overloading

Omit “*Traffic Act 1909*” from clause 13 (5).
Insert instead “*Road Transport (Vehicle Registration) Act 1997*”.

[3] Clause 51 Buses registered interstate

Omit “*Traffic Act 1909*”.
Insert instead “*Road Transport (Vehicle Registration) Act 1997*”.

3.18 Passenger Transport (Private Hire Vehicle Services) Regulation 1995

[1] Clause 4 Maximum age of private hire vehicles

Omit “a compliance plate was fitted to the vehicle in accordance with paragraph 4A of Schedule F to the *Motor Traffic Regulations 1935*” from clause 4 (3).
Insert instead “an identification plate fitted to the vehicle in accordance with the *Road Transport (Vehicle Registration) Regulation 1998*”.

[2] Clause 8 Records of drivers

Omit “*Traffic Act 1909*” from clause 8 (1) (b).
Insert instead “*Road Transport (Driver Licensing) Act 1998*”.

3.19 Passenger Transport (Taxi-cab Services) Regulation 1995

[1] Clause 3 Definitions

Omit the definition of *taxi stand*. Insert instead:

taxi stand means a taxi stand appointed under clause 51 of this Regulation or a taxi stand or taxi zone (however described) established under regulations made under the *Road Transport (Safety and Traffic Management) Act 1999*.

[2] Clause 12 Stand-by taxi-cabs

Omit “*Traffic Act 1909*” from clause 12 (3).

Insert instead “*Road Transport (Vehicle Registration) Act 1997*”.

[3] Clause 16 Records of drivers

Omit “*Traffic Act 1909*” from clause 16 (1) (b).

Insert instead “*Road Transport (Driver Licensing) Act 1998*”.

3.20 Physiotherapists Registration Regulation 1995

Clause 29

Omit the clause. Insert instead:

29 Offences for which notice of conviction of physiotherapist not required

All the offences under the road transport legislation (within the meaning of the *Road Transport (General) Act 1999*) are prescribed offences for the purposes of section 24 (2A) of the Act, except for the following offences:

- (a) an offence under section 42 of the *Road Transport (Safety and Traffic Management) Act 1999* relating to driving a motor vehicle upon a public street furiously or recklessly or at a speed or in a manner which is dangerous to the public,
- (b) an offence under section 42 of the *Road Transport (Safety and Traffic Management) Act 1999* relating to driving a motor vehicle upon a public street negligently if the physiotherapist is, by way of penalty, sentenced to imprisonment or fined a sum of not less than \$200,
- (c) any offence under section 19 (2) of the *Road Transport (General) Act 1999* (which relates to refusing to produce a driver licence when required or to state name and home address, or stating a false name and home address),

- (d) any offence under section 12 (1) of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to driving etc while under the influence of alcohol or any other drug),
- (e) any offence under section 25A (1), (2) or (3) of the *Road Transport (Driver Licensing) Act 1998* (which relate to driving while unlicensed),
- (f) any offence under section 70 of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to failing to stop after an accident),
- (g) any offence under section 9 of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to presence of prescribed concentration of alcohol in person's blood),
- (h) an offence under section 43 of the *Road Transport (Safety and Traffic Management) Act 1999* (which relates to menacing driving),
- (i) any other offence under the road transport legislation if the court orders the disqualification of the physiotherapist from holding a driver licence.

3.21 Police Service Regulation 1990

[1] Clause 66B Definitions

Omit "*Traffic Act 1909*" from the definition of ***breath analysing instrument***.

Insert instead "*Road Transport (Safety and Traffic Management) Act 1999*".

[2] Clause 66B, definition of "breath test"

Omit "*Traffic Act 1909*" from paragraph (b) of the definition.

Insert instead "*Road Transport (Safety and Traffic Management) Act 1999*".

[3] Clause 66C Operation of this Part

Omit “*Traffic Act 1909*” from clause 66C (1) and (2) wherever occurring.
Insert instead “*Road Transport (Safety and Traffic Management) Act 1999*”.

3.22 Registration of Interests in Goods Regulation 1994

[1] Clause 4 Definitions

Omit the clause. Insert instead:

4 Definitions

In this Division:

registration number includes an unregistered vehicle permit issued in respect of a motor vehicle under the *Road Transport (Vehicle Registration) Regulation 1998* or similar legislation of a participating State.

vehicle identification number means the number allocated to a vehicle under the International Standards Organisation vehicle identification system required under an Australian Design Rule adopted by a regulation made under the *Road Transport (Vehicle Registration) Act 1997*.

[2] Clause 6 Prescribed information relating to motor vehicles (sec 5 (1A) and (2))

Omit clause 6 (2) (a) and (b). Insert instead:

- (a) information received from the Roads and Traffic Authority in relation to a motor vehicle whose registration has been cancelled under the *Fines Act 1996*,
- (b) information received from the Roads and Traffic Authority in relation to a motor vehicle whose registration is subject to an exemption or concession under the *Road Transport (Vehicle Registration) Regulation 1998*,

3.23 Road Transport (Driver Licensing) Regulation 1999

[1] Clause 12 Learner driver must be accompanied

Omit clause 12 (5) (b). Insert instead:

- (b) take all reasonable precautions to prevent a contravention of the road transport legislation within the meaning of the *Road Transport (General) Act 1999*.

[2] Clause 14 Heavy vehicle learners

Omit clause 14 (2).

[3] Clause 15 Provisional licences

Omit clause 15 (5) (a). Insert instead:

- (5) In addition to any other ground on which a licence may be cancelled by the Authority, a provisional licence may be cancelled immediately by the Authority on any of the following grounds:
 - (a) the holder of the licence is convicted of an offence under the Act or this Regulation or of a penalty notice offence referred to in section 15 of the *Road Transport (General) Act 1999*,
 - (b) the holder of the licence pays a penalty pursuant to section 15 of the *Road Transport (General) Act 1999* in respect of any such offence.

[4] Clause 40 Downgrading of driver licence

Omit clause 40 (1) (a). Insert instead:

- (a) by the operation of the road transport legislation (within the meaning of the *Road Transport (General) Act 1999*) as a result of the imposition on the holder of the licence of a period of disqualification, or

[5] Clause 64 Fee exemption for eligible pensioners

Omit paragraph (d) from the definition of *eligible pensioner* in clause 64 (2).

Insert instead:

- (d) who is the holder of a current driver licence, being a licence for which no fee was payable by virtue of this Regulation, or

3.24 Road Transport (Mass, Loading and Access) Regulation 1996

[1] Clause 10 Exemption by notice in Gazette

Omit clause 10 (1) (b). Insert instead:

- (b) a dimension limit in the *Road Transport (Vehicle Registration) Regulation 1998*.

[2] Clause 10 (3)

Omit the note. Insert instead:

Note. *Gazette* is defined in the *Interpretation Act 1987* to mean the New South Wales Government Gazette.

[3] Clause 11 What must be included in a Class 1 notice?

Omit clause 11 (1) (c). Insert instead:

- (c) the provisions of this Regulation and the *Road Transport (Vehicle Registration) Regulation 1998* from which exemption is given, and

[4] Clause 12 Exemption by permit

Omit clause 12 (1). Insert instead:

- (1) An owner of a Class 1 vehicle may apply to the Authority for a permit exempting the vehicle from a requirement of Schedule 1 or the *Road Transport (Vehicle Registration) Regulation 1998*.

[5] Clause 12 (4)

Omit the note to the subclause. Insert instead:

Note. Clause 90 of the *Road Transport (Vehicle Registration) Regulation 1998* provides that a person or vehicle is exempted from a dimension limit or any other requirement of those Regulations if that person or vehicle is exempted from that limit or requirement under this Regulation.

[6] Clause 13 What must be included in a Class 1 permit?

Omit clause 13 (1) (c). Insert instead:

(c) the provisions of Schedule 1 or the *Road Transport (Vehicle Registration) Regulation 1998* from which exemption is given, and

[7] Clause 23 Exemption by notice in Gazette

Omit clause 23 (1) (b). Insert instead:

(b) a dimension limit in the *Road Transport (Vehicle Registration) Regulation 1998*.

[8] Clause 23 (3)

Omit the note to the subclause. Insert instead:

Note. Clause 90 of the *Road Transport (Vehicle Registration) Regulation 1998* provides that a person or vehicle is exempted from a dimension limit or any other requirement of those Regulations if that person or vehicle is exempted from that limit or requirement under this Regulation.

[9] Clause 24 Exemption by permit

Omit clause 24 (1). Insert instead:

(1) An owner of a Class 3 vehicle may apply to the Authority for a permit exempting the Class 3 vehicle from a requirement of Schedule 1 or the *Road Transport (Vehicle Registration) Regulation 1998*.

[10] Clause 25 Power to grant Class 3 permit

Omit clause 25 (b). Insert instead:

- (b) a dimension limit in the *Road Transport (Vehicle Registration) Regulation 1998*.

[11] Clause 26 What must be included in a Class 3 notice or permit?

Omit clause 26 (1) (b). Insert instead:

- (b) the provisions of Schedule 1 and the *Road Transport (Vehicle Registration) Regulation 1998* from which exemption is given, and

[12] Clause 27 Issuing a Class 3 notice or permit

Omit clause 27 (1) (b). Insert instead:

- (b) a dimension limit in Schedule 1 and the *Road Transport (Vehicle Registration) Regulation 1998* is not exceeded by more than 10%.

[13] Clause 27 (2)

Omit the subclause. Insert instead:

- (2) In the case of a combination, if each of the individual vehicles that make up the combination, together with any load, comply in all respects with the mass and dimension limits of Schedule 1 and the *Road Transport (Vehicle Registration) Regulation 1998*, the conditions of a Class 3 notice or Class 3 permit may allow an increase in the total length limit or the total mass limit, or both, prescribed in that Schedule and that Regulation for the combination as a whole.

[14] Clause 27 (4) (b)

Omit the paragraph. Insert instead:

- (b) the carrying of more than one large indivisible item does not cause the vehicle or combination and its load to exceed a dimension limit in Schedule 1 or the *Road Transport (Vehicle Registration) Regulation 1998*

that would not have been exceeded by the carrying of only one of the large indivisible items, and

[15] Clause 36 Failure to comply with a condition of a Class 1, 2 or 3 notice or permit

Omit “Schedule 1, the *Road Transport (Vehicle Registration) Regulation 1998* or the *Motor Traffic Regulations 1935*” from clause 36 (2).

Insert instead “Schedule 1 or the *Road Transport (Vehicle Registration) Regulation 1998*”.

[16] Clause 36 (4)

Omit “Schedule 1, the *Road Transport (Vehicle Registration) Regulation 1998* or the *Motor Traffic Regulations 1935*”.

Insert instead “Schedule 1 or the *Road Transport (Vehicle Registration) Regulation 1998*”.

[17] Clause 36 (5)

Omit “Schedule 1, the *Road Transport (Vehicle Registration) Regulation 1998* or the *Motor Traffic Regulations 1935*”.

Insert instead “Schedule 1 or the *Road Transport (Vehicle Registration) Regulation 1998*”.

[18] Clause 36 (6)

Omit the note to the subclause. Insert instead:

Note. Clause 90 of the *Road Transport (Vehicle Registration) Regulation 1998* provides that a person or vehicle is exempted from a dimension limit or any other requirement of those Regulations if that person or vehicle is exempted from that limit or requirement under this Regulation.

[19] Clause 41A

Omit the clause:

41A Definitions

In this Part:

articulated vehicle and *tractor* have the same meanings as they have in the *Road Transport (Vehicle Registration) Regulation 1998*.

[20] Schedule 1 Mass and loading requirements for heavy vehicles

Omit clause 7 (1) from Part 2. Insert instead:

- (1) A vehicle or a combination, and its load, must not exceed a size limit set for the vehicle or combination in the *Road Transport (Vehicle Registration) Regulation 1998*.

[21] Schedule 2 Oversize and overmass vehicles

Omit clause 2 (1) from Part 1. Insert instead:

- (1) A vehicle or combination described in Table 3 must not, together with any load, exceed a dimension limit specified in the Table for that vehicle or combination, or the corresponding limit in the *Road Transport (Vehicle Registration) Regulation 1998* or Schedule 1, whichever is the greater.

[22] Schedule 2, Part 4

Omit the note to clause 30. Insert instead:

Note. Clause 90 of the *Road Transport (Vehicle Registration) Regulation 1998* provides that a person or vehicle is exempted from a dimension limit or any other requirement of those Regulations if that person or vehicle is exempted from that limit or requirement under this Regulation.

[23] Schedule 2, Part 5

Omit clause 33 (2). Insert instead:

- (2) A light referred to in subclause (1) must flash yellow unless the vehicle is a police vehicle or a vehicle belonging to an Authority and the light is of a colour approved under Schedule 4 to the *Road Transport (Vehicle Registration) Regulation 1998*.

[24] Dictionary

Omit paragraph (e) of the definition of ***Class 1 vehicle***. Insert instead:

- (e) a dimension limit in Schedule 1 or the *Road Transport (Vehicle Registration) Regulation 1998*.

[25] Dictionary, definition of “Class 2 vehicle”

Omit the definition. Insert instead:

Class 2 vehicle means a restricted access vehicle that complies with the mass and dimension limits prescribed in the *Road Transport (Vehicle Registration) Regulation 1998* and, except as provided in paragraph (b) of the definition of *restricted access vehicle*, Schedule 1 and is:

- (a) a B-double, or
- (b) a road train, or
- (c) a controlled access bus not more than 14.5 m long, or
- (d) a combination carrying vehicles on more than one deck that, together with its load, meets one or both of the following criteria:
 - (i) its height exceeds 4.3 m but does not exceed 4.6 m,
 - (ii) its length exceeds 19 m, or
- (e) a single motor vehicle, or a combination, that exceeds 4.3 m, but does not exceed 4.6 m, in height and is built to carry cattle, sheep, pigs or horses.

[26] Dictionary, definition of “controlled access bus”

Omit paragraph (a) of the definition. Insert instead:

- (a) an articulated vehicle with the meaning of the *Road Transport (Vehicle Registration) Regulation 1998*, or

[27] Dictionary, definition of “oversize”

Omit the definition. Insert instead:

oversize means having a dimension that, including the dimension of any load, exceeds a relevant dimension limit in this Regulation or the *Road Transport (Vehicle Registration) Regulation 1998*.

[28] Dictionary, definition of “restricted access vehicle”

Omit paragraph (b) (iv) of the definition. Insert instead:

- (iv) any other dimension limit prescribed in this Regulation or the *Road Transport (Vehicle Registration) Regulation 1998*.

3.25 Road Transport (Vehicle Registration) Regulation 1998

[1] Clause 42 Suspension or cancellation of registration

Omit clause 42 (5) (b). Insert instead:

- (b) a provision of the road transport legislation (within the meaning of the *Road Transport (General) Act 1999*) other than this Act or the regulations.

[2] Clause 43 Procedures for suspension and cancellation of registration

Omit clause 43 (2) (b) (iv). Insert instead:

- (iv) if there is a right under the *Road Transport (General) Act 1999* or a regulation made under that Act to appeal against the decision or to have it reviewed—advises the registered operator of the right of appeal or review.

[3] Clause 75 Change or replacement of vehicle part

Omit the note to clause 75. Insert instead:

Note. Section 50 of the *Road Transport (General) Act 1999* empowers police officers to enter premises carrying out vehicle repairs for the purpose of tracing stolen motor vehicles and motor vehicle parts.

[4] Schedule 1 Application of Act and Regulation

Omit clause 2 (2).

[5] Dictionary

Omit paragraph (d) of the definition of *eligible pensioner* in clause 1.

Insert instead:

- (d) who is the holder of a current driver licence, being a licence for which no fee was payable under the *Road Transport (Driver Licensing) Act 1998*, or

[6] Dictionary, clause 1

Omit the definition of *emergency vehicle*. Insert instead:

emergency vehicle means:

- (a) any vehicle apparently carrying a member of the Police Service on urgent duty, or
- (b) any fire engine, reel or other vehicle apparently proceeding in the charge of a fire fighter to a fire or other emergency, or
- (c) any ambulance vehicle apparently proceeding to the scene of an accident or to a hospital with an injured person or apparently conveying, or apparently proceeding to any place to convey, a person who is seriously ill, or
- (d) any Red Cross vehicle apparently carrying blood for an urgent transfusion.

[7] Dictionary, clause 1

Omit the definition of *penalty notice*. Insert instead:

penalty notice means a penalty notice served on a person under Division 1 of Part 3 of the *Road Transport (General) Act 1999*.

3.26 Roads (General) Regulation 1994

[1] Clause 3 Definitions

Omit the definition of *motor vehicle*. Insert instead:

motor vehicle has the same meaning as it has in the *Road Transport (General) Act 1999*.

[2] Clause 3, definition of “vehicle”

Omit the definition. Insert instead:

vehicle has the same meaning as it has in the *Road Transport (General) Act 1999*.

3.27 Tow Truck Regulation 1990

Clause 4 definitions

Omit the definition of *owner* from clause 4 (1). Insert instead:

owner of a motor vehicle includes the responsible person for the vehicle within the meaning of the *Road Transport (General) Act 1999*.

3.28 Transport Administration (Railway Offences) Regulation 1994

Clause 31 Certain vehicles crossing railway line at level crossing

Omit clause 31 (2) (a). Insert instead:

- (a) the vehicle and load comply with the relevant regulations made under the *Road Transport (Safety and Traffic Management) Act 1999* and the *Roads Act 1993* (or are the subject of a relevant permit under either of those Acts), and

Schedule 4 Other amendment of Acts

(Section 4)

4.1 Road Transport (Driver Licensing) Act 1998 No 99

[1] Section 14 Demerit points register

Omit “who does not hold an Australian driver licence” from section 14 (3).

Insert instead “(whether or not a person holds an Australian driver licence)”.

[2] Section 14 (4)

Omit the subsection. Insert instead:

- (4) For the purposes of subsection (3), if a person applies for a driver licence (including for the renewal of a licence) having incurred 12 or more demerit points within a 3 year period ending on the day on which the applicant last committed an offence for which demerit points have been recorded against the applicant:
 - (a) the Authority may refuse the person’s application and take action under section 16A, or
 - (b) the Authority may grant the licence and take action under section 16 or 16A.

[3] Section 16 Consequences of incurring demerit points

Omit section 16 (3):

- (3) Despite subsection (2), the Authority is not required to take action under that subsection if it is of the opinion:
 - (a) that it would be unreasonable to do so, having regard to the date when any relevant offence was committed, or
 - (b) it would be more appropriate for the person to be dealt with under section 14 (4) and 16A.

[4] Section 16 (8)

Omit “within 21 days after being served with a notice of licence suspension by the Authority, notify the Authority in writing”.

Insert instead “after being served with a notice of licence suspension by the Authority (but before the commencement of the period of suspension), notify the Authority in a form approved by the Authority”.

[5] Section 16A

Insert after section 16:

16A Ineligibility to apply for driver licences by persons incurring demerit points

(1) Licence ineligibility for demerit points

The Authority may give a notice of licence ineligibility to the applicant for a licence (not being a provisional licence or learner licence) who incurs 12 or more demerit points within the 3 year period ending on the day on which the person last committed an offence for which demerit points have been recorded against the person.

Note. Provisional licence holders are dealt with in section 17.

- (2) However, the Authority may not give a person both a notice of licence ineligibility and a notice of licence suspension under section 16 in respect of the same 3 year period.
- (3) The notice of licence ineligibility must specify the date on which the ineligibility is to take effect (not being a date that is earlier than the date on which the notice is given) and must contain any other matters specified by the regulations. If the notice is delivered to the applicant personally, the specified date is taken to be the date on which it is so delivered unless the notice provides for a later date.

- (4) The period of licence ineligibility under subsection (1) is the period applicable under the following table:

Table

Licence ineligibility for demerit points

Column 1	Column 2
Number of demerit points incurred within previous 3 years	Period of licence ineligibility
12 to 15	3 months
16 to 19	4 months
20 or more	5 months

- (5) If a person who has been served with a notice of licence ineligibility does not make an election under subsection (7), the person is not entitled:
- (a) to be issued with a driver licence for the ineligibility period applicable under this section from the date specified in the notice, and
 - (b) to apply for a driver licence for that period.
- (6) On the commencement of an ineligibility period or a period of good behaviour (see subsection (7)), all demerit points recorded in the demerit points register against the person at the date of the notice are taken to be deleted.
- (7) **Alternative to ineligibility**
 A person who incurs at least 12 demerit points within the 3 year period ending on the day on which the person last committed an offence for which demerit points have been recorded against the person may notify the Authority in a form approved by the Authority that he or she elects, as an alternative to undergoing the ineligibility period, to be of good behaviour for a period of 12 months from the day on which the licence ineligibility would otherwise have had effect.

- (8) If a person who makes an election in accordance with subsection (7) incurs 2 or more demerit points during the 12 months' good behaviour period:
 - (a) the Authority must give the person a notice suspending the person's driver licence, commencing on a day specified in the notice, for twice the period that would have applied to the person under this section if the person had not made the election, and
 - (b) the person's driver licence is suspended for that period from the date specified in the notice.
- (9) On the commencement of the period of suspension referred to in subsection (8), all demerit points recorded in the demerit points register against the person at the date of the notice, and taken into account for the purpose of the notice, are taken to be deleted.
- (10) Despite subsections (6) and (9), demerit points incurred by a person:
 - (a) after the person is served with a notice of licence ineligibility but before the licence ineligibility takes effect, or
 - (b) if the person makes an election in accordance with subsection (7), after the person is served with the notice of licence ineligibility and before the 12 months' period of good behaviour begins, are not taken to be deleted under this section when the licence ineligibility takes effect or period of good behaviour begins and are to be taken into account for the purposes of subsection (1) from the end of the licence ineligibility or period of good behaviour.
- (11) Nothing in subsection (7) or (10) prevents the Authority from retaining records of deleted demerit points incurred by any person.

[6] Section 33 Cancellation and suspension of driver licences by Authority in respect of speeding offences

Omit “cancelled” and “cancel” from section 33 (1) and (2) wherever occurring.

Insert instead “cancelled or suspended” and “cancel or suspend” respectively.

[7] Section 33 (3A)

Insert after section 33 (3):

(3A) If a person’s driver licence is suspended by the Authority under this section, the person’s licence is suspended for such period as may be determined by the Authority and specified in a notice served on the person by the Authority.

[8] Section 33 (5)

Insert “or (5BA)” after “(5B)” wherever occurring.

[9] Section 33A

Insert after section 33:

33A Effect of expiry of driver licence during a suspension period

If the driver licence of a person expires during a period of suspension for the licence imposed under section 16, 16A or 33:

- (a) the person cannot apply to the Authority for another driver licence during the unexpired portion of the suspension period, and
- (b) the person’s driver licence is taken to be suspended during the unexpired portion of the suspension period for the purposes of any offence provision under this Act or any other law in relation to driving a vehicle while a person’s driver licence is suspended.

[10] Section 34 Unpaid fees and charges

Insert “or charges” after “fees”.

[11] Schedule 3 Savings, transitional and other provisions

Insert after Part 2:

**Part 3 Provisions consequent on enactment of
Schedule 4 to Road Transport Legislation
Amendment Act 1999**

**9 Validation—licence granted with good behaviour condition
granted as alternative to licence refusal**

Any election made by the holder of a driver licence before the commencement of Schedule 4.1 to the *Road Transport (Driver Licensing) Act 1998* to be of good behaviour for a specified period as an alternative to having his or her application for a licence refused by the Authority:

- (a) is validated to the extent of any invalidity if the election would have been valid had section 14 (as amended) and 16A been in force at the time the election was made, and
- (b) is taken for all purposes to have been an election made under section 16A.

4.2 Road Transport (Vehicle Registration) Act 1997 No 119

Section 15 Regulations to establish registration system

Insert after section 15 (2) (e):

- (e1) provide for the waiver or postponement (or partial waiver or postponement), in accordance with the regulations, of the registration fees for a registrable vehicle under this Act or for fees for an unregistered vehicle permit, and

4.3 Subordinate Legislation Act 1989 No 146

[1] Section 10 Staged repeal of statutory rules

Omit “1 September 1999” from section 10 (4).
Insert instead “1 December 1999”.

[2] Schedule 3 Matters not requiring regulatory impact statements

Insert after clause 4:

- 4A. Matters involving the substantial implementation of the Heavy Vehicles Agreement or the Light Vehicles Agreement set out in the *National Road Transport Commission Act 1991* of the Commonwealth that have been the subject of regulatory assessment in accordance with the Agreement.

4.4 Traffic Act 1909 No 5

Section 10AA Effect of disqualification

Omit section 10AA (2). Insert instead:

- (2) A disqualification to hold an Australian driver licence (within the meaning of the *Road Transport (Driver Licensing) Act 1998*) held under a law in force in another State or internal Territory by a person who holds a driver licence issued in this State is, for the purposes of subsection (1), to be treated as if it were a disqualification to hold the driver licence issued in this State.
- (2A) A person who is so disqualified must:
- (a) if present at the court (being a court in this State) and in possession of his or her driver licence—surrender the licence to the court immediately after being convicted, or
 - (b) if present at the court (being a court in this State) but not in possession of the licence or if not present at the court—surrender the licence to the Authority as soon as practicable after being convicted, or

- (c) if the person is to be treated under subsection (2) as having been disqualified from holding a driver licence issued in this State—surrender the licence to the Authority as soon as practicable after being disqualified from holding the Australian driver licence referred to in that subsection.

[Minister's second reading speech made in—
Legislative Assembly on 27 May 1999
Legislative Council on 23 June 1999]