New South Wales

Road Transport (General) Amendment (Hire Trailer Appeals) Regulation 2001

under the

Road Transport (General) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (General) Act 1999*.

CARL SCULLY, M.P.,

Minister for Roads

Explanatory note

The object of this Regulation is to amend the *Road Transport (General) Regulation 1999* to enable a person aggrieved by a decision of the Roads and Traffic Authority (*the Authority*) to vary, suspend or cancel a registered operator's accreditation under the Hire Trailer Maintenance Management Accreditation Scheme to appeal against the decision. This Regulation enables the person to appeal against the decision to a Local Court (but only after an internal review by the Authority of the decision is finalised).

The Local Court hearing the appeal may confirm (with or without variation) or disallow the decision appealed against, or make another order that in the circumstances seems just to the Court.

This Regulation also makes various amendments in the nature of statute law revision.

This Regulation is made under the *Road Transport (General) Act 1999*, including section 71 (the general regulation-making power) and clause 24 of Schedule 2 to that Act.

Road Transport (General) Amendment (Hire Trailer Appeals) Regulation 2001

1   Name of Regulation

This Regulation is the *Road Transport (General) Amendment (Hire Trailer Appeals) Regulation 2001*.

2   Amendment of Road Transport (General) Regulation 1999

The *Road Transport (General) Regulation 1999* is amended as set out in Schedule 1.

3   Notes

The explanatory note does not form part of this Regulation.

Schedule 1   Amendments

[1]   Schedule 2 Savings and transitional provisions

Omit the heading to clause 10A. Insert instead:

10A   Appeals concerning Accreditation Schemes

[2]   Schedule 2, clause 10A (1) (a)

Omit the paragraph. Insert instead:

(a)   a decision of the Authority under the *Road Transport (Vehicle Registration) Regulation 1998* to vary, suspend or cancel a registered operator's accreditation under a Maintenance Management Accreditation Scheme under Part 6 of Chapter 5 of that Regulation,

[3]   Schedule 2, clause 10A (1) (c)

Insert after clause 10A (1) (b):

(c)   a decision of the Authority under the *Road Transport (Vehicle Registration) Regulation 1998* to vary, suspend or cancel a registered operator's accreditation under the Hire Trailer Maintenance Management Accreditation Scheme under Part 7 of Chapter 5 of that Regulation.

[4]   Schedule 2, clause 10A (7)

Omit the clause. Insert instead:

(7)   For the purposes of varying a decision of the Authority under subclause (6), the Court may exercise only such powers as the Authority could have exercised under the *Road Transport (Vehicle Registration) Regulation 1998* or the *Road Transport (Mass, Loading and Access) Regulation 1996* when making that decision.

[5]   Schedule 2, clause 10A (9) (a)

Omit the paragraph. Insert instead:

> (a)   in relation to a decision of the Authority under the *Road Transport (Vehicle Registration) Regulation 1998* to vary, suspend or cancel a registered operator's accreditation under a Maintenance Management Accreditation Scheme under Part 6 of Chapter 5 of that Regulation—an internal review under clause 78E of that Regulation, and

[6]   Schedule 2, clause 10A (9) (c)

Insert after clause 10A (9) (b):

> , and

> (c)   in relation to a decision of the Authority under the *Road Transport (Vehicle Registration) Regulation 1998* to vary, suspend or cancel a registered operator's accreditation under the Hire Trailer Maintenance Management Accreditation Scheme under Part 7 of Chapter 5 of that Regulation—an internal review under clause 78K of that Regulation.