



New South Wales

Road Transport (General) Amendment (Driver Licensing) Regulation 2008

under the

Road Transport (General) Act 2005

His Excellency the Lieutenant-Governor, with the advice of the Executive Council,
has made the following Regulation under the *Road Transport (General) Act 2005*.

ERIC ROOZENDAAL, M.L.C.,
Minister for Roads

Explanatory note

The object of this Regulation is to amend the *Road Transport (General) Regulation 2005* as a consequence of the repeal of the *Road Transport (Driver Licensing) Regulation 1999* and its replacement by the *Road Transport (Driver Licensing) Regulation 2008*.

This Regulation is made under the *Road Transport (General) Act 2005*, including sections 10 (the general regulation-making power), 183, 239 (3) and 242 (1) and (2).

2008 No 398

Clause 1 Road Transport (General) Amendment (Driver Licensing) Regulation 2008

Road Transport (General) Amendment (Driver Licensing) Regulation 2008

under the

Road Transport (General) Act 2005

1 Name of Regulation

This Regulation is the Road Transport (General) Amendment (Driver Licensing) Regulation 2008.

2 Commencement

This Regulation commences on 1 September 2008.

3 Amendment of Road Transport (General) Regulation 2005

The *Road Transport (General) Regulation 2005* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

- [1] **Clause 6 Service of notices on persons under Road Transport (Driver Licensing) Act 1998**
Insert after clause 6 (5):
(5A) A notice given for the purposes of clause 58 of the *Road Transport (Driver Licensing) Regulation 2008* may only be given personally.
- [2] **Clauses 11, definition of “foreign driver licence”, 18 (1) (a), (b), (d) and (e), (2) and (3), 20 (2) and (4) and 25 (2)**
Omit “*Road Transport (Driver Licensing) Regulation 1999*” wherever occurring.
Insert instead “*Road Transport (Driver Licensing) Regulation 2008*”.
- [3] **Clause 18 (1) (a)**
Omit “clause 8 (3)”. Insert instead “clause 41 (3)”.
- [4] **Clause 18 (1) (b)**
Omit “clause 18 (2) (d)”. Insert instead “clause 46 (2) (d)”.
- [5] **Clause 18 (1) (d)**
Omit “clause 19 or 38”. Insert instead “clause 47 or 55”.
- [6] **Clause 18 (1) (e)**
Omit “clause 15, 15A or 38”. Insert instead “clause 24, 29 or 55”.
- [7] **Clause 18 (3)**
Omit “clause 55 (2) (e) or (f)”. Insert instead “99 (4) (f) or (g)”.
- [8] **Clause 20 (2)**
Omit “clause 38 (1A)”. Insert instead “clause 55 (2)”.
- [9] **Clause 25 (2)**
Omit “Part 7 (Interlock devices)”.
Insert instead “Part 10 (Interlock driver licences and devices)”.

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Schedule 1 Amendments

[10] Clause 52 Transitional provisions

Insert at the end of the clause:

- (2) Clause 18, as in force before it was amended by the *Road Transport (General) Amendment (Driver Licensing) Regulation 2008*, continues to apply in respect of a decision made under the *Road Transport (Driver Licensing) Regulation 1999* before the repeal of that Regulation.

[11] Schedule 3 Penalty notice offences

Omit the matter relating to the *Road Transport (Driver Licensing) Regulation 1999*.

Insert instead:

Road Transport (Driver Licensing) Regulation 2008

Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Clause 9 (3); Clause 9 (4)	Class 1, 2	Level 2
Clause 15 (1) (a)	Class 1	Level 9
Clause 15 (1) (b); Clause 17 (1) (a); Clause 17 (1) (b); Clause 18 (a); Clause 18 (b); Clause 23 (a); Clause 23 (b)	Class 1	Level 4
Clause 17 (2)	Class 1	Level 7
Clause 16 (a); Clause 16 (b); Clause 19; Clause 35 (6); Clause 35 (8); Clause 99 (7); Clause 117 (1) (a); Clause 117 (1) (b)	Class 1	Level 2
Clause 35 (7)	Class 1	Level 5
Clause 114 (1) (where the licence concerned is a provisional P1 licence of class R and the holder of the licence drives a motor cycle with engine capacity greater than 260 ml or a power to weight ratio greater than 150 kilowatts per tonne but otherwise than in relation to a condition relating to a 90 km/h speed limit):		
(a) for the first offence, or the first offence within the last 5 years	Class 1	Level 7
(b) for the second or subsequent offence within the last 5 years	Class 1	Level 9

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Column 1	Column 2	Column 3
Provision	Authorised officer	Penalty
Clause 114 (1) (otherwise than where the licence concerned is an interlock driver licence or where the licence is a provisional P1 licence of class R and the holder of the licence drives a motor cycle with engine capacity greater than 260 ml or a power to weight ratio greater than 150 kilowatts per tonne and otherwise than in relation to a condition relating to a 90 km/h speed limit):		
(a) in relation to licence conditions generally	Class 1	Level 4
(b) in relation to P plates for holders of P1 licences of class C	Class 1	Level 4
(c) in relation to P plates for holders of P1 licences of class R	Class 1	Level 4
(d) in relation to P plates for holders of P2 licences	Class 1	Level 4
(e) in relation to a condition imposed by clause 32, 33 or 34	Class 1	Level 7
Clause 114 (1), in relation to a condition relating to a 90 km/h speed limit	Class 1	Level 4
Clause 115; Clause 116; Clause 118 (2)	Class 1, 2	Level 2