



Road Transport (General) Amendment (Documentation) Regulation 2013

under the

Road Transport Act 2013

His Excellency the Lieutenant-Governor, with the advice of the Executive Council,
has made the following Regulation under the *Road Transport Act 2013*.

DUNCAN GAY, MLC
Minister for Roads and Ports

Explanatory note

The objects of this Regulation are to amend the *Road Transport (General) Regulation 2013*:

- (a) to enable certain types of documents prepared for use in administering or enforcing the former road transport legislation to continue to be used, for a 12-month transitional period, in administering or enforcing the new road transport legislation, and
- (b) to relocate an existing savings and transitional provision.

This Regulation is made under the *Road Transport Act 2013*, including section 23 (the general regulation-making power) and clauses 1 and 45 of Schedule 4.

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Clause 1 Road Transport (General) Amendment (Documentation) Regulation 2013

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1 Name of Regulation

This Regulation is the *Road Transport (General) Amendment (Documentation) Regulation 2013*.

2 Commencement

This Regulation commences on 1 July 2013 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Road Transport (General) Regulation 2013

[1] Clause 148 Savings and transitional provisions

Omit the clause.

[2] Schedule 6

Insert after Schedule 5:

Schedule 6 Savings and transitional provisions

1 Continuation of certain matters under former regulations

- (1) In this clause, the *former regulations* are:
 - (a) the *Road Transport (General) Regulation 2005* as in force immediately before the commencement of this Regulation, and
 - (b) the *Road Transport (Safety and Traffic Management) Regulation 1999* as in force immediately before the commencement of this Regulation.
- (2) Any act, matter or thing that, immediately before the commencement of this Regulation, had effect under a provision of the former regulations continues to have effect under this Regulation in relation to any provision of this Regulation that corresponds (or substantially corresponds) with the provision of the former regulations.
- (3) Without limiting subclause (2), any authority, order, notice, declaration, exemption, approval, authorisation, appointment, guidelines, permit or permission given, made or granted by a person that was in force or had effect under a provision of the former regulations (the *former provision*) continues in force or to have effect (subject to any relevant conditions to which it was subject) under the provision (if any) of this Regulation that corresponds (or substantially corresponds) with the former provision until it is repealed, revoked or replaced under this Regulation.

2 Use of certain existing enforcement documents for 12-month transitional period

- (1) This clause applies to a document (an *existing enforcement document*) of a type specified in the Table to this clause that was originally prepared before the repeal day so that it could be used, when completed, for the administration or enforcement of the

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former road transport legislation or specified provisions of that legislation.

- (2) An existing enforcement document may, during the transitional period, be used for the purposes of administering or enforcing provisions of the new road transport legislation that are corresponding provisions in relation to the provisions of the former road transport legislation for which the document was originally prepared.

Note. If a new enforcement document is available for use, it should generally be used in preference to an existing enforcement document. This provision will cover, but is not limited to, the inadvertent or mistaken use of an existing enforcement document instead of a new enforcement document.

- (3) If an existing enforcement document is used as provided by subclause (2), references in the document to the former road transport legislation (or to provisions of that legislation) are to be read in the same way as clause 43 (Updating of references to former road transport legislation) of Schedule 4 to the new Act requires such references to be read in other Acts and instruments made under other Acts.
- (4) A term or expression used in this clause that is defined for the purposes of Schedule 4 to the new Act has the same meaning as in that Schedule.
- (5) In this clause:
new Act means the *Road Transport Act 2013*.
transitional period means the period of 12 months commencing on the repeal day.

Table

Road Transport (General) Act 2005

1	A direction or authorisation for use under Division 3 of Part 3.3 of the <i>Road Transport (General) Act 2005</i> .
2	An improvement notice for use under Division 2 of Part 3.5 of the <i>Road Transport (General) Act 2005</i> .
3	A formal warning for use under Division 3 of Part 3.5 of the <i>Road Transport (General) Act 2005</i> .
4	An amendment to any direction or conditions for use under section 129 of the <i>Road Transport (General) Act 2005</i> .
5	A direction for use under Division 5 of Part 4.2 of the <i>Road Transport (General) Act 2005</i> .

6 A suspension notice for use under Division 4 of Part 5.4 of the *Road Transport (General) Act 2005*.

7 A production notice, confiscation notice, certificate, receipt or search warrant for use under Division 2 of Part 5.5 of the *Road Transport (General) Act 2005*.

Road Transport (General) Regulation 2005

8 A notice for use under clause 38 of the *Road Transport (General) Regulation 2005*.

Road Transport (Safety and Traffic Management) Act 1999

9 A written statement for use under section 15 (3) of the *Road Transport (Safety and Traffic Management) Act 1999*.

10 A certificate, label or notification for use under Part 2 of the *Road Transport (Safety and Traffic Management) Act 1999*.

11 A document included with testing kits for use under Part 2 of the *Road Transport (Safety and Traffic Management) Act 1999*.

12 An approval, condition, certificate or notice for use under Part 3 of the *Road Transport (Safety and Traffic Management) Act 1999*.

13 A notice for use under Division 2 of Part 5 of the *Road Transport (Safety and Traffic Management) Act 1999*.

Road Transport (Safety and Traffic Management) Regulation 1999

14 A notice, application or receipt for use under Division 2 of Part 12 of the *Road Transport (Safety and Traffic Management) Regulation 1999*.

Road Transport (Vehicle Registration) Act 1997

15 A condition, permit or notice for use under section 8 of the *Road Transport (Vehicle Registration) Act 1997*.

16 A warning label for use under Part 2AA of the *Road Transport (Vehicle Registration) Act 1997*.

17 A warning notice, defect notice, condition or prohibition for use under section 26 of the *Road Transport (Vehicle Registration) Act 1997*.
