



New South Wales

# Road Transport (Vehicle Registration) Amendment (Heavy Vehicles) Regulation 2013

under the

Road Transport Act 2013

Her Excellency the 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 object of this Regulation is to enable Roads and Maritime Services to suspend the registration of a heavy vehicle for up to 3 months if an offence is committed under:

- (a) rule 102, 103 or 104 of the *Road Rules 2008* involving driving the vehicle past a sign erected for the purposes of those rules on or near a road, bridge, causeway or tunnel, or
- (b) section 96 or 102 of the *Heavy Vehicle National Law (NSW)* (when it comes into force) involving driving the vehicle on a road, bridge, or causeway, or through a tunnel, in contravention of a mass or dimension requirement.

The vehicle registration can be suspended immediately if it appears to Roads and Maritime Services that one of the above offences has been committed in *circumstances of aggravation*, namely, the vehicle has been involved in an accident or caused damage to any road infrastructure, a danger or obstruction to traffic, or an adverse effect on public amenity.

This Regulation is made under the *Road Transport Act 2013*, including section 23 (the general statutory rule-making power) and Schedule 1.

**2013 No 406**

Clause 1      Road Transport (Vehicle Registration) Amendment (Heavy Vehicles)  
                  Regulation 2013

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**Road Transport (Vehicle Registration) Amendment  
(Heavy Vehicles) Regulation 2013**

under the

Road Transport Act 2013

**1 Name of Regulation**

This Regulation is the *Road Transport (Vehicle Registration) Amendment (Heavy Vehicles) Regulation 2013*.

**2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

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## Schedule 1      Amendment of Road Transport (Vehicle Registration) Regulation 2007

### [1]    Clause 41A

Insert after clause 41:

#### 41A    Suspension of registration for dimension requirement offence

- (1)    The Authority may suspend the registration of a heavy vehicle for a period not exceeding 3 months if:
    - (a)    a dimension requirement offence involving the vehicle has been committed and one of the following applies:
      - (i)    a court has convicted a person of the offence (whether or not it has imposed any penalty),
      - (ii)    an amount has been paid under a penalty notice for the offence,
      - (iii)    a penalty notice enforcement order under the *Fines Act 1996* has been made against a person for the offence, or
    - (b)    the Authority is satisfied that a dimension requirement offence involving the vehicle has been committed in circumstances of aggravation.
- Note.** A decision of the Authority to suspend the registration of a heavy vehicle under this subclause is an appealable decision in respect of which a person affected has a right of appeal to the Local Court. See sections 266 and 267 of the *Road Transport Act 2013*.
- (2)    A ***dimension requirement offence*** is:
    - (a)    an offence against rule 102, 103 or 104 of the *Road Rules 2008*, or
    - (b)    an offence against section 96 or 102 of the *Heavy Vehicle National Law (NSW)*.
  - (3)    Any of the following circumstances are ***circumstances of aggravation*** for a dimension requirement offence involving a heavy vehicle:
    - (a)    the vehicle has caused damage to any road infrastructure,
    - (b)    the vehicle has been involved in an accident,
    - (c)    the vehicle is causing a danger or obstruction to traffic,
    - (d)    the vehicle is causing an adverse effect on public amenity.

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- (4) Clause 42 does not apply to a decision to suspend registration under subclause (1). However, before suspending the registration of a heavy vehicle under that subclause, the Authority:
  - (a) must give a registered operator of the vehicle notice in writing of the matters referred to in clause 42 (1) (a) and (b) and the period of suspension, and
  - (b) may follow such other procedures prescribed by clause 42 or such other procedures as it considers appropriate.

**[2] Schedule 1 Application of Chapter 4 of Act and Regulation**

Omit “clause 41 (1), (2), (2A) and (2B)” from clause 2.

Insert instead “clauses 41 (1), (2), (2A) and (2B) and 41A”.