



Road Transport (Vehicle Registration) Amendment (M5 East Tunnel) Regulation 2013

under the

Road Transport (Vehicle Registration) Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Vehicle Registration) Act 1997*.

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 3 or more offences are committed under clause 16 (1) of the *Protection of the Environment Operations (Clean Air) Regulation 2010* involving the emission of excessive air impurities by the heavy vehicle while it is being used in the M5 East Tunnel.

This Regulation is made under the *Road Transport (Vehicle Registration) Act 1997*, including section 14 (the general regulation-making power).

2013 No 62

Clause 1 Road Transport (Vehicle Registration) Amendment (M5 East Tunnel)
Regulation 2013

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(M5 East Tunnel) Regulation 2013**

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1 Name of Regulation

This Regulation is the *Road Transport (Vehicle Registration) Amendment (M5 East Tunnel) Regulation 2013*.

2 Commencement

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

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

[1] Clause 41 Suspension or cancellation of registration by Authority

Insert after clause 41 (2A):

- (2B) The Authority may suspend the registration of a heavy vehicle for a period not exceeding 3 months if 3 or more M5 East Tunnel vehicle emission offences involving the vehicle are committed.
- (2C) An *M5 East Tunnel vehicle emission offence* is an offence under clause 16 (1) of the *Protection of the Environment Operations (Clean Air) Regulation 2010* in relation to the emission of excessive air impurities by a heavy vehicle being used in the M5 East Tunnel.
- (2D) An M5 East Tunnel vehicle emission offence is committed if:
 - (a) a court convicts a person of the offence (whether or not it imposes any penalty), or
 - (b) an amount is paid under a penalty notice in respect of the offence, or
 - (c) a penalty notice enforcement order under the *Fines Act 1996* is made against a person in respect of the offence.

[2] Clause 41 (3)

Omit “or (2A)”. Insert instead “, (2A) or (2B)”.

[3] Clause 41 (3)

Omit “either subclause”. Insert instead “any of those subclauses”.

[4] Schedule 1 Application of Act and Regulation

Omit “and (2A)” from clause 2. Insert instead “, (2A) and (2B)”.