



New South Wales

# Road Transport Legislation Amendment (Penalty Notice Offences and Certification) Regulation 2017

under the

Road Transport Act 2013

The Administrator, with the advice of the Executive Council, has made the following Regulation under the *Road Transport Act 2013*.

MELINDA PAVEY, MP  
Minister for Roads, Maritime and Freight

## Explanatory note

The objects of this Regulation are:

- (a) to prescribe certain offences under the *Local Government Act 1993* relating to strata parking areas and community parking schemes as penalty notice offences, and
- (b) to extend (from 30 to 90 days) the period before the date recorded on a photograph taken by an approved traffic enforcement device, within which the device must have been inspected and found to be working, being a matter as to which the *Road Transport Act 2013* requires certificate evidence to be tendered if the photograph is to be tendered in evidence under that Act, and
- (c) to update references consequential on the repeal and remaking of the *Road Transport (Driver Licensing) Regulation 2008*.

This Regulation is made under the *Road Transport Act 2013*, including sections 23 (the general statutory rule-making power), 24, 138 (2) (b) and 195 (3) and clause 16 of Schedule 1.

## **Road Transport Legislation Amendment (Penalty Notice Offences and Certification) Regulation 2017**

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### **1 Name of Regulation**

This Regulation is the *Road Transport Legislation Amendment (Penalty Notice Offences and Certification) Regulation 2017*.

### **2 Commencement**

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

## **Schedule 1      Amendment of Road Transport (General) Regulation 2013**

**[1]    Clause 35 Testing and security indicators for approved traffic enforcement devices**

Omit “30 days” from clause 35 (3). Insert instead “90 days”.

**[2]    Schedule 5 Penalty notice offences**

Insert in appropriate order in Columns 1, 2 and 3, respectively, under the heading *Local Government Act 1993*:

Section 650A (1) (in relation to a notice or sign referred to in section 650A (2) (a) or (b)); Section 650A (4); Section 650A (5)	Class 1, 12	Level 2
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Section 650A (1) (in relation to a notice or sign referred to in section 650A (2) (c)—space for the use of persons with disabilities)	Class 1, 12	Level 7
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## **Schedule 2 Road Transport (General) Regulation 2013— consequential amendments**

- [1] Clauses 3 (1) (paragraph (b) of the definition of “driver licensing law”), 6 (3) and (7), 131 (b) and 140 (2) (paragraph (a) of the definition of “licensing and registration functions”)**

Omit “*Road Transport (Driver Licensing) Regulation 2008*” wherever occurring.

Insert instead “*Road Transport (Driver Licensing) Regulation 2017*”.

- [2] Clause 6 Service of notices on persons under driver licensing law**

Omit “Clause 58 of the *Road Transport (Driver Licensing) Regulation 2008*” from clause 6 (6).

Insert instead “Clause 69 of the *Road Transport (Driver Licensing) Regulation 2017*”.

- [3] Clause 109 Release of photographs prohibited**

Omit “clause 107 of the *Road Transport (Driver Licensing) Regulation 2008*” from paragraph (b) of the note to clause 109 (1) (d1).

Insert instead “clause 109 of the *Road Transport (Driver Licensing) Regulation 2017*”.

- [4] Clause 126 Driver licensing decisions**

Omit “clause 41 (3) of the *Road Transport (Driver Licensing) Regulation 2008*” from clause 126 (a).

Insert instead “clause 52 (3) of the *Road Transport (Driver Licensing) Regulation 2017*”.

- [5] Clause 126 (b)**

Omit “clause 47, 55 or 55A of the *Road Transport (Driver Licensing) Regulation 2008*”.

Insert instead “clause 57, 65 or 66 of the *Road Transport (Driver Licensing) Regulation 2017*”.

- [6] Clause 126 (c)**

Omit “29, 55 or 55A of the *Road Transport (Driver Licensing) Regulation 2008*”.

Insert instead “30, 65 or 66 of the *Road Transport (Driver Licensing) Regulation 2017*”.

- [7] Clause 126 (d)**

Omit “clause 99 (4) (f), (g) or (g1) of the *Road Transport (Driver Licensing) Regulation 2008*”.

Insert instead “clause 96 (4) (g), (h) or (i) of the *Road Transport (Driver Licensing) Regulation 2017*”.

- [8] Clause 126 (e)**

Omit “Part 10 (Interlock driver licences and devices) of the *Road Transport (Driver Licensing) Regulation 2008*”.

Insert instead “Part 11 (Interlock driver licences and devices) of the *Road Transport (Driver Licensing) Regulation 2017*”.

**[9] Clause 131 Decisions excluded from definition of “appealable decision”**

Omit “clause 46 (2) (d) or (e) of the *Road Transport (Driver Licensing) Regulation 2008*” from clause 131 (a).

Insert instead “clause 56 (2) (d) or (e) of the *Road Transport (Driver Licensing) Regulation 2017*”.

**[10] Clause 135A Certain decisions stayed only in exceptional circumstances**

Omit “clause 55A of the *Road Transport (Driver Licensing) Regulation 2008*” from clause 135A (2) (b).

Insert instead “clause 66 of the *Road Transport (Driver Licensing) Regulation 2017*”.

**[11] Clause 135A (2) (c)**

Omit “clause 99 (4) (g1) of the *Road Transport (Driver Licensing) Regulation 2008*”.

Insert instead “clause 96 (4) (i) of the *Road Transport (Driver Licensing) Regulation 2017*”.

**[12] Clause 139 Determination of driver licence suspension appeals involving death or grievous bodily harm**

Omit “*Road Transport (Driver Licensing) Regulation 2008* on the grounds referred to in clause 55 (2)” from clause 139 (1).

Insert instead “*Road Transport (Driver Licensing) Regulation 2017* on the grounds referred to in clause 65 (2)”.

**[13] Schedule 5 Penalty notice offences**

Omit the matter relating to *Road Transport (Driver Licensing) Regulation 2008*.

Insert instead:

**Road Transport (Driver Licensing) Regulation 2017**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Authorised officer</b>	<b>Penalty</b>
Clause 9 (2); Clause 9 (3)	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 16 (a); Clause 16 (b); Clause 19; Clause 39 (6); Clause 39 (8); Clause 96 (14); Clause 122 (1) (a); Clause 122 (1) (b); Clause 122 (1) (c)	Class 1	Level 2
Clause 17 (2)	Class 1	Level 7
Clause 39 (7)	Class 1	Level 5
Clause 93 (3)	Class 1	Level 13
Clause 119 (1) (where the licence concerned is an interlock driver licence):		
(a) in relation to a condition imposed by clause 83 (3)	Class 1	Level 13
(b) in relation to a condition imposed by clause 85 (1) (e) or (f)	Class 1	Level 13

**Road Transport (Driver Licensing) Regulation 2017**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Authorised officer</b>	<b>Penalty</b>
Clause 119 (1) (otherwise than where the licence concerned is an interlock driver licence):		
(a) in relation to a condition imposed by clause 22 (1) (b) or 29 (1) (b) if it is the first such offence, or the first such offence within the last 5 years	Class 1	Level 7
(b) in relation to a condition imposed by clause 22 (1) (b) or 29 (1) (b) if it is the second or subsequent such offence within the last 5 years	Class 1	Level 9
(c) in relation to a condition imposed by clause 22 (1) (c)	Class 1	Level 5
(d) in relation to a condition imposed by clause 36, 37 or 38	Class 1	Level 7
(e) in relation to any other licence condition	Class 1	Level 4
Clause 120; Clause 121; Clause 123 (2)	Class 1, 2	Level 2

### **Schedule 3 Road Rules 2014**

**[1] Rules 271–1 (2) and Note 1 and 271–2 (3) (definition of “car-based motor tricycle”) and Dictionary (definitions of “provisional P1 licence” and “provisional P2 licence”)**

Omit “*Road Transport (Driver Licensing) Regulation 2008*” wherever occurring.

Insert instead “*Road Transport (Driver Licensing) Regulation 2017*”.

**[2] Rule 300–5, Note 3**

Omit “Clause 99 (7) of the *Road Transport (Driver Licensing) Regulation 2008*”.

Insert instead “Clause 96 (14) of the *Road Transport (Driver Licensing) Regulation 2017*”.