



New South Wales

Road Transport Legislation Amendment (Digital Delivery of Notices) Regulation 2019

under the

Road Transport Act 2013

His Excellency the Governor, 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 object of this Regulation is to enable, in addition to the current type of addresses that may be collected and used for the service of particular documents, electronic addresses to be collected on an opt-in basis and used for the service of particular documents under the *Road Transport (Driver Licensing) Regulation 2017*, *Road Transport (General) Regulation 2013* and *Road Transport (Vehicle Registration) Regulation 2017*.

This Regulation is made under the *Road Transport Act 2013*, including section 23 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Road Transport Legislation Amendment (Digital Delivery of Notices) Regulation 2019*.

2 Commencement

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

Schedule 1 Amendments

1.1 Amendment of Road Transport (Driver Licensing) Regulation 2017

[1] Clause 4 Definitions

Insert in alphabetical order in clause 4 (1):

address, for the service of notices, includes an electronic address.

[2] Clause 54 Procedure to obtain or vary driver licences

Omit clause 54 (1) (c). Insert instead:

(c) an address for the service of notices, and

[3] Clause 100 NSW driver licence register

Omit clause 100 (1) (e). Insert instead:

(e) the person's address for the service of notices,

[4] Clause 122 Change of name, address or medical condition

Omit "(including any electronic address or other means of electronic communication approved by the Authority)" from clause 122 (1) (c).

[5] Clause 122 (3)

Omit the subclause.

1.2 Amendment of Road Transport (General) Regulation 2013

[1] Clause 6 Service of notices on persons under driver licensing law

Omit clause 6 (2). Insert instead:

(2) The Authority may give or serve a notice under the driver licensing law on a person by sending the notice:

(a) by post or by some other means to the person's last known home address, or

(b) to the address for service of notices recorded in the NSW driver licence register:

(i) if the address for service is an electronic address—by electronic communication to the electronic address, or

(ii) otherwise—by post or by some other means.

[2] Clause 6 (3)–(3B)

Insert at the end of clause 6 (3) (b):

, or

(c) if the notice is sent by electronic communication to an electronic address—the date the notice is sent.

(3A) However, a notice sent by electronic communication is not taken to be given or served if the Authority receives an automated reply, by electronic communication, indicating that the delivery of the notice to the electronic address has failed.

(3B) If subclause (3A) applies, the notice must be served by post or by some other means to the person's last known home address.

[3] Clause 7 Service of notices on registered operators and delivery of things to Authority under vehicle registration law

Omit clause 7 (2). Insert instead:

- (2) The Authority may give or serve a notice under the vehicle registration law on the registered operator of a registrable vehicle by sending the notice:
 - (a) by post or by some other means to the registered operator's home address, or
 - (b) to the address for service of notices recorded in the NSW registrable vehicles register in relation to the vehicle:
 - (i) if the address for service is an electronic address—by electronic communication to the electronic address, or
 - (ii) otherwise—by post or by some other means.

[4] Clause 7 (3)–(3B)

Insert at the end of clause 7 (3) (b):

- , or
 - (c) if the notice is sent by electronic communication to an electronic address—the date the notice is sent.
- (3A) However, a notice sent by electronic communication is not taken to be given or served if the Authority receives an automated reply, by electronic communication, indicating that the delivery of the notice to the electronic address has failed.
- (3B) If subclause (3A) applies, the notice must be served by post or by some other means to the home address of the registered operator.

1.3 Amendment of Road Transport (Vehicle Registration) Regulation 2017

[1] Clauses 14 (1) (a), 15 (b) and 133 (5) (definition of “registration information”)

Omit “(if any)”.

[2] Dictionary

Insert in alphabetical order:

address, for the service of notices, includes an electronic address.