

Passed by both Houses



New South Wales

Road Transport Legislation (Repeal and Amendment) Bill 2013

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2013*



New South Wales

Road Transport Legislation (Repeal and Amendment) Bill 2013

Act No , 2013

An Act to repeal and amend certain legislation consequent on the enactment of the Road Transport Act 2013.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Road Transport Legislation (Repeal and Amendment) Act 2013*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

Schedule 1 Repeal of certain existing road transport legislation

Each of the following is repealed:

- (a) the *Road Transport (Driver Licensing) Act 1998* No 99,
- (b) the *Road Transport (Safety and Traffic Management) Act 1999* No 20,
- (c) the *Road Transport (Safety and Traffic Management) Regulation 1999*,
- (d) the *Road Transport (Vehicle Registration) Act 1997* No 119.

Schedule 2 Renaming and other amendment of Road Transport (General) Act 2005 No 11

[1] Long title

Omit “the administration and enforcement of road transport legislation; to make further provision with respect to the use of vehicles on roads and road related areas and related matters;”.

Insert instead “the management of heavy and other vehicles and drivers using such vehicles on roads and road related areas;”.

[2] Part 1.1 Introductory

Omit the note at the beginning of the Part. Insert instead:

Note. This Act and the regulations under it form part of the *road transport legislation* identified by section 6 of the *Road Transport Act 2013*. As part of the road transport legislation, this Act is subject to the various provisions of the *Road Transport Act 2013* concerning the administration and enforcement of the road transport legislation generally.

[3] Section 1 Name of Act

Omit “*Road Transport (General) Act 2005*”.

Insert instead “*Road Transport (Vehicle and Driver Management) Act 2005*”.

[4] Section 3 Definitions

Omit each of the following definitions from section 3 (1):

Australian driver licence

Australian registrable vehicles register

authorised officer

compensation order

driver licence (where firstly and secondly occurring)

learner licence

light rail vehicle

major offence

penalty notice

prescribed speeding offence

registered

registrable vehicle

responsible person

road

road related area

road transport legislation
trader's plate
vehicle

[5] Section 3 (1)

Insert in alphabetical order:

Australian driver licence has the same meaning as it has in the *Road Transport Act 2013*.

Australian registrable vehicles register means:

- (a) the NSW registrable vehicles register within the meaning of the *Road Transport Act 2013*, or
- (b) a register maintained under the law of another jurisdiction that corresponds, or substantially corresponds, to the NSW registrable vehicles register within the meaning of the *Road Transport Act 2013*.

authorised officer has the same meaning as it has in the *Road Transport Act 2013*.

driver licence has the same meaning (except in Part 4.2) as it has in the *Road Transport Act 2013*, and in Part 4.2 means:

- (a) an Australian driver licence, or
- (b) a learner licence issued under a law in force in a State or internal Territory authorising the holder to drive a motor vehicle on a road.

excess permit—see section 27.

learner licence has the same meaning as it has in the *Road Transport Act 2013*.

penalty notice means a penalty notice issued under Division 3 of Part 7.3 of the *Road Transport Act 2013*.

registered, in relation to a vehicle, has the same meaning as it has in the *Road Transport Act 2013*.

responsible person for a vehicle (except in Chapter 3) has the same meaning as it has in the *Road Transport Act 2013*.

Note. A wider definition of *responsible person* applies for the purposes of Chapter 3.

road means a road within the meaning of section 4 (1) of the *Road Transport Act 2013* (other than a road that is the subject of a declaration made under section 18 (1) (b) of that Act relating to all of the provisions of that Act).

road related area means a road related area within the meaning of section 4 (1) of the *Road Transport Act 2013* (other than a road related area that is the subject of a declaration made under

section 18 (1) (b) of that Act relating to all of the provisions of that Act).

road transport legislation has the same meaning as it has in the *Road Transport Act 2013*.

vehicle has the same meaning as it has in the *Road Transport Act 2013*.

[6] Section 3 (3)

Omit the subsection. Insert instead:

- (3) Each reference in this Act to a *road* includes a *road related area*, except in the definitions of *road* and *road related area* in subsection (1) or as otherwise provided by this Act.

[7] Section 5 Meaning of “road transport legislation”

Omit the section.

[8] Section 6 Responsible person for a vehicle

Omit the section.

[9] Section 7 Rights, liabilities and obligations of multiple responsible persons

Omit the section.

[10] Section 11

Omit the section. Insert instead:

11 Regulations relating to mass, dimension, load restraint and access requirements

The regulations may make provision for or with respect to mass, dimension, load restraint and access requirements with respect to the use of roads by vehicles and combinations and the enforcement of such requirements, including the following:

- (a) the giving of rectification notices, the detention of vehicles pending rectification and powers of inspection,
- (b) the issuing of excess permits or other permits or notices to authorise the use of vehicles and combinations despite such restrictions and fees payable in connection with such permits or notices,
- (c) the imposition of such restrictions by means of the erection or display of signs,

- (d) the exercise of inspection and other enforcement powers (including in relation to powers conferred by or under this Act) in relation to such requirements,
- (e) the keeping and production of records and other specified information in connection with such requirements,
- (f) the granting or conferral of exemptions from compliance with such requirements,
- (g) the creation, approval or use of schemes for the mass management of vehicles or combinations in connection with such requirements.

[11] Chapter 2 Scope of Act

Omit the Chapter.

[12] Section 26 Use of vehicle in contravention of mass, dimension or load restraint requirements

Omit section 26 (1).

[13] Section 26 (2)

Omit “restrictions imposed by the regulations”.

Insert instead “requirements imposed by regulations made for the purposes of section 11”.

[14] Section 97

Omit the section. Insert instead:

97 Operation of Part

- (1) This Part applies in relation to heavy vehicles or heavy combinations or both and accordingly, in this Part references to vehicles or combinations are taken to be references to heavy vehicles or heavy combinations.
- (2) This Part applies in relation to any applicable road law only to the extent that it relates to a requirement in respect of a heavy vehicle or heavy combination or both (regardless of whether the requirement relates to a mass, dimension or load restraint or otherwise) and, in this Part, *Australian applicable road law* and *applicable road law offences* have corresponding applications.

[15] Section 108 Power to affect vehicle registration

Omit the note at the end of the section. Insert instead:

Note. For licence sanctions that may be used against offenders, see Part 7.4 of the *Road Transport Act 2013*.

[16] Chapter 4, heading

Omit “relating to road transport legislation”.

[17] Chapter 4, Parts 4.1 and 4.3

Omit the Parts.

[18] Section 130 Application of Part

Omit section 130 (1) (b). Insert instead:

(b) Part 4.5 of the *Road Transport Act 2013*,

[19] Section 169 Obstructing or hindering authorised officers

Omit the section.

[20] Section 170 Impersonating authorised officers

Omit the section.

[21] Chapter 5, heading

Omit the heading. Insert instead:

**Chapter 5 Criminal responsibility for
applicable road law offences**

[22] Part 5.1, heading

Omit the heading.

[23] Sections 176, 177 and 179

Omit the sections.

**[24] Section 178 Liability of directors, partners, employers and others for
offences by bodies corporate, partnerships, associations and
employees**

Omit “the road transport legislation” from section 178 (1).

Insert instead “an applicable road law”.

[25] Section 178 (4A)

Omit “made under the road transport legislation”.

Insert instead “that is (or forms part of) an applicable road law”.

- [26] **Parts 5.2–5.6**
Omit the Parts.
- [27] **Part 6.1, heading**
Omit the heading.
- [28] **Section 239 Service of documents on persons generally**
Omit the section.
- [29] **Section 240 Lodgment of documents with Authority**
Omit the section.
- [30] **Section 241 Review by Administrative Decisions Tribunal of certain decisions made under road transport legislation**
Omit the section.
- [31] **Section 242 Alternate appeal rights to Local Court**
Omit the section.
- [32] **Section 243 Indemnity from personal liability for honest and good faith carrying out of duties**
Omit the section.
- [33] **Section 244 Unpaid charges and fees**
Omit “Except as provided by section 223, any”. Insert instead “Any”.
- [34] **Section 244B Preliminary discovery of information for recovery of private car park fees**
Omit the section.
- [35] **Section 246 Repeals**
Omit the section.
- [36] **Part 6.2 Miscellaneous provisions concerning vehicles and roads**
Omit the Part.
- [37] **Schedule 2 Repeals**
Omit the Schedule.

Schedule 3 Amendments replacing general references to existing or former road transport Acts with “Road Transport Act 2013”

Each Act and statutory rule specified in Column 1 of the following Table of amendments is amended:

- (a) by omitting “*Road Transport (Driver Licensing) Act 1998*”, “*Road Transport (General) Act 1999*”, “*Road Transport (General) Act 2005*”, “*Road Transport (Safety and Traffic Management) Act 1999*” or “*Road Transport (Vehicle Registration) Act 1997*” wherever occurring in the provision (including headings and notes) of the Act or statutory rule concerned specified in Column 2 of the Table, and
- (b) by inserting instead “*Road Transport Act 2013*”.

Table of amendments

| Column 1 | Column 2 |
|--|--|
| <i>Bail Act 1978</i> No 161 | Section 37AA (7) |
| <i>Centennial Park and Moore Park Trust Act 1983</i> No 145 | Section 23 (6) (definition of <i>owner</i>) |
| <i>Children (Criminal Proceedings) Act 1987</i> No 55 | Sections 3 (1) (definition of <i>road transport legislation</i>) and 28 (2) (b) |
| <i>Dangerous Goods (Road and Rail Transport) Regulation 2009</i> | Clause 9 (1) (definition of <i>owner</i>) |
| <i>Drug Court Act 1998</i> No 150 | Sections 7A (11) and 7B (11) |
| <i>Election Funding, Expenditure and Disclosures Regulation 2009</i> | Clause 5 (3) (definition of <i>motor vehicle</i>) |
| <i>Explosives Regulation 2005</i> | Clause 3 (1) (definition of <i>vehicle</i>) |
| <i>Forestry Act 2012</i> No 96 | Section 87 (6) (definition of <i>owner</i>) |
| <i>Industrial Relations Act 1996</i> No 17 | Dictionary (definition of <i>motor vehicle</i>) |
| <i>Maritime Services Act 1935</i> No 47 | Section 30C (6) (definition of <i>Owner</i>) |
| <i>Motor Vehicles Taxation Regulation 2008</i> | Clause 4 (2) (definition of <i>fee</i>) |

Road Transport Legislation (Repeal and Amendment) Bill 2013

Amendments replacing general references to existing or former road transport Acts with "Road Transport Act 2013"

Schedule 3

| Column 1 | Column 2 |
|---|--|
| <i>Parking Space Levy Regulation 2009</i> | Clause 2 (1) (definition of <i>mobility parking scheme authority</i>) |
| <i>Parramatta Park Trust Act 2001 No 17</i> | Sections 28 (4) (definition of <i>owner</i>) and 29 (6) (definition of <i>owner</i>) |
| <i>Prevention of Cruelty to Animals Act 1979 No 200</i> | Section 24B (4) |
| <i>Residential Parks Regulation 2006</i> | Clause 4 (6) (definitions of <i>campervan</i> and <i>caravan</i>) |
| <i>Roads Regulation 2008</i> | Clause 3 (definitions of <i>motor vehicle</i> and <i>vehicle</i>) |
| <i>Royal Botanic Gardens and Domain Trust Act 1980 No 19</i> | Section 22A (7) (definition of <i>owner</i>) |
| <i>Supreme Court Act 1970 No 52</i> | Section 69C (5) |
| <i>Sydney Harbour Foreshore Authority Act 1998 No 170</i> | Section 23 (3) |
| <i>Sydney Harbour Tunnel (Private Joint Venture) Act 1987 No 49</i> | Section 14 (2) |
| <i>Sydney Water Catchment Management Regulation 2008</i> | Clause 3 (1) (definition of <i>vehicle</i>) |
| <i>Western Sydney Parklands Regulation 2007</i> | Clause 3 (definition of <i>motor vehicle</i>) |
| <i>Workers Compensation Act 1987 No 70</i> | Section 10 (1B) |
| <i>Young Offenders Act 1997 No 54</i> | Section 8 (2) (b) |

Schedule 4 Other consequential amendments of Acts and statutory rules

4.1 Charitable Fundraising Regulation 2008

Schedule 1 Conditions of authority taken to have been granted under section 16 (6) of the Act

Omit the definitions of *road* and *road related area* from clause 25 (2).

Insert instead:

road means a road within the meaning of section 4 (1) of the *Road Transport Act 2013* (other than a road that is the subject of a declaration made under section 18 (1) (b) of that Act relating to all of the provisions of that Act).

road related area means a road related area within the meaning of section 4 (1) of the *Road Transport Act 2013* (other than a road related area that is the subject of a declaration made under section 18 (1) (b) of that Act relating to all of the provisions of that Act).

4.2 Children (Detention Centres) Act 1987 No 57

[1] Section 37I Definitions

Omit “*Road Transport (Safety and Traffic Management) Act 1999*” wherever occurring in the definitions of *breath analysing instrument* and *breath test* in section 37I (1).

Insert instead “*Road Transport Act 2013*”.

[2] Section 37I (2)

Omit “section 8B (Measurement of alcohol concentrations) of the *Road Transport (Safety and Traffic Management) Act 1999*” and “Part 2 of that Act”.

Insert instead “section 109 (Measurement of alcohol concentrations) of the *Road Transport Act 2013*” and “that Act”, respectively.

[3] Section 37K Testing where juvenile justice officer attends hospital

Omit “Division 4 of Part 2 of the *Road Transport (Safety and Traffic Management) Act 1999*” from section 37K (2).

Insert instead “clause 11 of Schedule 3 to the *Road Transport Act 2013*”.

[4] Section 37K (4)

Omit “Sections 21 and 22 of the *Road Transport (Safety and Traffic Management) Act 1999*” and “Division 4 of Part 2 of that Act”.

Insert instead “Clauses 17, 18, 19 and 20 of Schedule 3 to the *Road Transport Act 2013*” and “clause 11 of Schedule 3 to that Act”, respectively.

[5] Section 37K (6)

Omit “Division 4 of Part 2 of the *Road Transport (Safety and Traffic Management) Act 1999*”.

Insert instead “Schedule 3 to the *Road Transport Act 2013* in its application to the taking of samples under clause 11 of that Schedule”.

4.3 Children (Detention Centres) Regulation 2010

[1] Clause 3 Definitions

Omit “the *Road Transport (Safety and Traffic Management) Act 1999*” from paragraph (a) of the definition of **government analyst** in clause 3 (1).

Insert instead “Schedule 3 to the *Road Transport Act 2013*”.

[2] Clause 120 Certificate evidence of concentration of alcohol in breath or blood determined by breath test or breath analysis

Omit “*Road Transport (Safety and Traffic Management) Act 1999*” from clause 120 (1) (c).

Insert instead “*Road Transport Act 2013*”.

4.4 Children (Education and Care Services) Supplementary Provisions Regulation 2012

[1] Clause 106 Notice of criminal charges or convictions

Omit “(within the meaning of the *Road Transport (General) Act 2005*)” from clause 106 (4) (a).

[2] Clause 106 (5) and (6)

Omit clause 106 (5). Insert instead:

(5) The following offences under the road transport legislation are also notifiable offences for the purposes of this clause:

(a) any offence under any of the following provisions of the *Road Transport Act 2013* or a former corresponding provision within the meaning of that Act:

(i) an offence under section 54,

- (ii) an offence under section 110,
 - (iii) an offence under section 112,
 - (iv) an offence under section 117 (1) relating to driving a motor vehicle negligently if the person found guilty is, by way of penalty, sentenced to imprisonment or fined a sum of not less than \$200,
 - (v) an offence under section 117 (2),
 - (vi) an offence under section 118,
 - (vii) an offence under section 146,
 - (viii) an offence under section 175 (2),
 - (b) any other offence under the road transport legislation if the court orders the disqualification of the person found guilty from holding a driver licence.
- (6) In this clause, ***road transport legislation*** means the road transport legislation within the meaning of the *Road Transport Act 2013*, and includes the former road transport legislation within the meaning of Part 2 of Schedule 4 to that Act.

4.5 City of Sydney Act 1988 No 48

[1] Section 4 Definitions

Omit “*Road Transport (General) Act 2005*” from paragraph (c) of the definition of ***traffic and transport legislation*** in section 4 (1).

Insert instead “*Road Transport Act 2013*”.

[2] Section 51B Definitions

Omit “*Road Transport (Safety and Traffic Management) Regulation 1999*” from the definition of ***Sydney CBD parking authority***.

Insert instead “*Road Transport (General) Regulation 2013*”.

[3] Section 51M Sydney CBD parking authorities to notify CSTTC of proposal to carry out certain parking schemes

Omit “*Road Transport (Safety and Traffic Management) Act 1999*” from section 51M (1).

Insert instead “*Road Transport Act 2013*”.

4.6 Coal Mine Health and Safety Regulation 2006

[1] Clause 76 Plant requirements

Omit “registrable under the *Road Transport (Vehicle Registration) Act 1997*” from clause 76 (1) (a).

Insert instead “a vehicle of a kind that is capable of being registered within the meaning of the *Road Transport Act 2013*”.

[2] Clause 89 Records of plant

Omit “registrable under the *Road Transport (Vehicle Registration) Act 1997*” from clause 89 (1) (a).

Insert instead “a vehicle of a kind that is capable of being registered within the meaning of the *Road Transport Act 2013*”.

4.7 Community Land Management Act 1989 No 202

[1] Section 116 Open and private access ways

Omit “*Road Transport (General) Act 2005*” from section 116 (1) (a).

Insert instead “*Road Transport Act 2013*”.

[2] Section 116 (7)

Omit the definition of *road* or *road related area*. Insert instead:

road or *road related area* means a road or road related area within the meaning of section 4 (1) of the *Road Transport Act 2013* (other than a road or road related area that is the subject of a declaration made under section 18 (1) (b) of that Act relating to all of the provisions of that Act).

4.8 Crimes Act 1900 No 40

[1] Section 49A Throwing rocks and other objects at vehicles and vessels

Omit “the *Road Transport (General) Act 2005*” from the definition of *road* in section 49A (4).

Insert instead “section 4 (1) of the *Road Transport Act 2013*”.

[2] Section 52A Dangerous driving: substantive matters

Omit “*Road Transport (Safety and Traffic Management) Act 1999*” from the definition of *drug* in section 52A (9).

Insert instead “*Road Transport Act 2013*”.

[3] Section 52A (9)

Omit paragraph (a) of the definition of *road*. Insert instead:

- (a) a road or road related area within the meaning of section 4 (1) of the *Road Transport Act 2013* (other than a road or road related area that is the subject of a declaration made under section 18 (1) (b) of that Act relating to all of the provisions of that Act), or

[4] Section 52AA Dangerous driving: procedural matters

Omit section 52AA (2). Insert instead:

(2) **Evidence of intoxication—alcohol**

For the purposes of section 52A, evidence may be given of the concentration of alcohol present in the accused's blood at the time of the impact occasioning death or grievous bodily harm occurring at a place that is not a road as determined by a blood analysis carried out in accordance with Part 4 of Schedule 3 to the *Road Transport Act 2013*.

[5] Section 52AA (3A)

Omit the subsection. Insert instead:

(3A) **Evidence of intoxication—drugs**

For the purposes of section 52A, evidence may be given of the concentration of a drug (other than alcohol) present in the accused's blood or urine at the time of the impact occasioning death or grievous bodily harm occurring at a place that is not a road as determined by a blood or urine analysis carried out in accordance with Part 4 of Schedule 3 to the *Road Transport Act 2013*.

[6] Section 52AA (7)

Insert after the definition of *prescribed concentration of alcohol*:

road means a road or road related area within the meaning of section 4 (1) of the *Road Transport Act 2013* (other than a road or road related area that is the subject of a declaration made under section 18 (1) (b) of that Act relating to all of the provisions of that Act).

[7] Section 52B Dangerous navigation: substantive matters

Omit “*Road Transport (Safety and Traffic Management) Act 1999*” from the definition of **drug** in section 52B (9).

Insert instead “*Road Transport Act 2013*”.

[8] Section 154C Taking motor vehicle or vessel with assault or with occupant on board

Omit “*Road Transport (General) Act 2005*” from the definition of **motor vehicle** in section 154C (3).

Insert instead “*Road Transport Act 2013*”.

[9] Section 154E Definitions

Omit “*Road Transport (General) Act 2005*” from paragraph (a) of the definition of **motor vehicle** in section 154E (1).

Insert instead “*Road Transport Act 2013*”.

[10] Section 154J Possession of vehicle identification plate not attached to motor vehicle

Omit “*Road Transport (General) Act 2005*” from the definition of **motor vehicle** in section 154J (3).

Insert instead “*Road Transport Act 2013*”.

4.9 Crimes (Administration of Sentences) Act 1999 No 93

[1] Section 236E Definitions

Omit “*Road Transport (Safety and Traffic Management) Act 1999*” wherever occurring in the definitions of **breath analysing instrument** and **breath test** in section 236E (1).

Insert instead “*Road Transport Act 2013*”.

[2] Section 236E (2)

Omit the subsection. Insert instead:

- (2) Subject to the regulations, section 109 (Measurement of alcohol concentrations) of the *Road Transport Act 2013* applies in relation to the measurement of the concentration of alcohol in a person’s breath or blood for the purposes of this Division and the regulations in the same way as it applies for the purposes of that Act.

[3] Section 236G Testing where member of correctional staff attends hospital

Omit “Division 4 of Part 2 of the *Road Transport (Safety and Traffic Management) Act 1999*” from section 236G (2).

Insert instead “clause 11 of Schedule 3 to the *Road Transport Act 2013*”.

[4] Section 236G (4)

Omit “Sections 21 and 22 of the *Road Transport (Safety and Traffic Management) Act 1999*” and “Division 4 of Part 2 of that Act”.

Insert instead “Clauses 17, 18, 19 and 20 of Schedule 3 to the *Road Transport Act 2013*” and “clause 11 of Schedule 3 to that Act”, respectively.

[5] Section 236G (6)

Omit “Division 4 of Part 2 of the *Road Transport (Safety and Traffic Management) Act 1999*”.

Insert instead “Schedule 3 to the *Road Transport Act 2013* in its application to the taking of samples under clause 11 of that Schedule”.

4.10 Crimes (Administration of Sentences) Regulation 2008

[1] Clause 265 Interpretation

Omit “the *Road Transport (Safety and Traffic Management) Act 1999*” from paragraph (a) of the definition of *analyst* in clause 265 (1).

Insert instead “Schedule 3 to the *Road Transport Act 2013*”.

[2] Clause 267 Hospitals

Omit “section 19 of the *Road Transport (Safety and Traffic Management) Act 1999*” from clause 267 (b).

Insert instead “Division 4 of Part 2 of Schedule 3 to the *Road Transport Act 2013*”.

[3] Clause 277 Certificate evidence of concentration of alcohol in breath or blood determined by breath test or breath analysis

Omit “*Road Transport (Safety and Traffic Management) Act 1999*” from clause 277 (1) (c).

Insert instead “*Road Transport Act 2013*”.

4.11 Crimes (Appeal and Review) Act 2001 No 120

[1] Section 63 Stay of execution of sentence pending determination of appeal

Omit “Division 4 of Part 5.4 of the *Road Transport (General) Act 2005*” from section 63 (2A).

Insert instead “Division 4 of Part 7.4 of the *Road Transport Act 2013* (or a former corresponding provision within the meaning of that Act)”.

[2] Section 68 Court may confirm or vary conviction or sentence with effect from earlier day

Omit section 68 (1A) (including the note to that subsection). Insert instead:

(1A) An appeal court may, for the purposes of making an order under subsection (1) in relation to a sentence that consists of, or includes, a disqualification from holding a driver licence (within the meaning of the *Road Transport Act 2013*), take into account:

- (a) any period during which the defendant’s driver licence was suspended under section 224 of the *Road Transport Act 2013* (or a former corresponding provision within the meaning of that Act), and
- (b) any other periods after committing the offence to which the sentence relates during which the defendant held, or did not hold, a driver licence that would have permitted the defendant to drive a motor vehicle.

Note. Section 224 of the *Road Transport Act 2013* enables a police officer to suspend, by written notice, a person’s driver licence within 48 hours after the person is charged with certain offences involving alcohol or drug use under that Act. The suspension has effect until the charge is heard and determined by a court. Also, section 63 of this Act provides for the stay of the execution of a sentence pending determination of appeal under this Act.

4.12 Crimes (Sentencing Procedure) Act 1999 No 92

[1] Section 21A Aggravating, mitigating and other factors in sentencing

Omit section 21A (5C). Insert instead:

(5C) For the purpose of subsection (2) (p), an offence under any of the following provisions is taken to have been committed while a child under 16 years of age was a passenger in the offender’s vehicle if the offence was part of a series of events that involved

the driving of the vehicle while the child was a passenger in the vehicle:

- (a) section 13 (2), 15 (4), 18B (2), 18D (2), 22 (2), 24D (1) or 29 (2) of the former *Road Transport (Safety and Traffic Management) Act 1999*,
- (b) clause 16 (1) (a), (b) or (c), 17 (1) or 18 (1) of Schedule 3 to the *Road Transport Act 2013*.

[2] Section 21A (6), definition of “prescribed traffic offence”

Insert “former” before “*Road Transport (Safety and Traffic Management) Act 1999*” in paragraph (a) of the definition.

[3] Section 21A (6), definition of “prescribed traffic offence”

Insert after paragraph (a) of the definition:

- (a) sections 110, 111 (1) and (3) and 112 (1) of the *Road Transport Act 2013* and clauses 16 (1) (a), (b) or (c), 17 (1) and 18 (1) of Schedule 3 to that Act,

4.13 Criminal Procedure Act 1986 No 209

[1] Section 210 Penalties applying to traffic offences committed by children

Omit paragraph (a) of the definition of *traffic offence* in section 210 (4).

Insert instead:

- (a) the road transport legislation (within the meaning of the *Road Transport Act 2013*) or the former road transport legislation (within the meaning of Part 2 of Schedule 4 to that Act), or

[2] Section 283

Omit the section. Insert instead:

283 Law enforcement devices

- (1) A certificate:
 - (a) that would, by virtue of a provision of Division 5 of Part 5.3 of, or Division 2 of Part 5 of Schedule 3 to, the *Road Transport Act 2013*, be admissible in proceedings for an offence under that Act as evidence of the particulars certified in and by the certificate, or
 - (b) that would, by virtue of section 33, 33D, 35, 46, 47, 47B, 57 or 57B of the former *Road Transport (Safety and Traffic Management) Act 1999* (as continued in effect

under Schedule 4 to the *Road Transport Act 2013*), be admissible in proceedings for an offence under the former Act as evidence of the particulars certified in and by the certificate, or

- (c) that would, by virtue of clause 27 or 29 of Schedule 1 to the *Marine Safety Act 1998*, be admissible in proceedings for an offence under that Act as evidence of the particulars certified in and by the certificate,

is admissible in all criminal proceedings as evidence of those particulars.

- (2) Despite subsection (1), such a certificate is not admissible in proceedings under the *Drug Misuse and Trafficking Act 1985* as evidence of the use or administration, by the person to whom the certificate relates, of any prohibited drug within the meaning of that Act.

- (3) Evidence is not required in any criminal proceedings:

- (a) as to the accuracy or reliability of any approved traffic enforcement device or breath analysing instrument to which such a certificate relates, or
- (b) as to the manner in which any approved traffic enforcement device or breath analysing instrument to which such a certificate relates was operated,

unless evidence is adduced that the device or instrument was not accurate, was not reliable or was not properly operated.

- (4) A photograph:

- (a) that would, by virtue of a provision of Division 5 of Part 5.3 of the *Road Transport Act 2013*, be admissible in proceedings under that Act as evidence of the matters shown or recorded on the photograph, or
- (b) that would, by virtue of section 47, 47B, 57 or 57B of the former *Road Transport (Safety and Traffic Management) Act 1999* (as continued in effect under Schedule 4 to the *Road Transport Act 2013*), be admissible in proceedings under the former Act as evidence of the matters shown or recorded on the photograph,

is admissible in all criminal proceedings as evidence of those matters.

- (5) In this section:
- approved traffic enforcement device*** means any of the following:
- (a) an approved traffic enforcement device (within the meaning of the *Road Transport Act 2013*),
 - (b) an approved average speed detection device, approved camera detection device, approved camera recording device, approved speed measuring device or approved traffic lane camera device (within the meaning of the former *Road Transport (Safety and Traffic Management) Act 1999*).
- breath analysing instrument*** means any of the following:
- (a) a breath analysing instrument (within the meaning of the *Road Transport Act 2013*),
 - (b) a breath analysing instrument (within the meaning of the former *Road Transport (Safety and Traffic Management) Act 1999*).

4.14 Criminal Procedure Regulation 2010

[1] Clause 21 Offences for which briefs of evidence not required

Omit clause 21 (1) (c). Insert instead:

- (c) proceedings for an offence under any of the following provisions of the *Road Transport Act 2013* (or a former corresponding provision within the meaning of that Act):
 - (i) section 53 (3) or 54 (1) (a), (3) (a), (4) (a), (5) (a) (i) or (5) (b) (i),
 - (ii) section 110 or 112,

[2] Clause 21 (1) (e)

Omit the paragraph.

[3] Clause 55 Program declared to be intervention program

Omit clause 55 (2) (c)–(d). Insert instead:

- (c) an offence under any of the following provisions of the *Road Transport Act 2013* (or a former corresponding provision within the meaning of that Act):
 - (i) section 53 (3),
 - (ii) section 54 (1), (3), (4) or (5),
 - (iii) section 71,

- (iv) section 110 (4),
- (v) clause 16 (1) (b) or 18 (1) (a) or (b) of Schedule 3,

[4] Clause 89 Definitions

Omit the definition of *traffic offence* (including the note to that definition).

Insert instead:

traffic offence means:

- (a) an offence under the road transport legislation (within the meaning of the *Road Transport Act 2013*), or
- (b) an offence under the former road transport legislation (within the meaning of Part 2 of Schedule 4 to the *Road Transport Act 2013*).

4.15 Criminal Records Act 1991 No 8

Section 11 How are traffic offences to be dealt with?

Omit “section 5 of the *Road Transport (General) Act 2005*” wherever occurring in section 11 (1) and (4) (c).

Insert instead “section 6 of the *Road Transport Act 2013*”.

4.16 Crown Lands Act 1989 No 6

Section 161 Liability of vehicle owner for certain offences

Omit section 161 (6). Insert instead:

- (6) In this section:

owner of a vehicle includes the responsible person for the vehicle within the meaning of the *Road Transport Act 2013*.

registered means registered within the meaning of the *Road Transport Act 2013*.

trader’s plate means a trader’s plate within the meaning of the *Road Transport Act 2013*.

4.17 Dangerous Goods (Road and Rail Transport) Act 2008 No 95

[1] Section 4 Definitions

Omit “*Road Transport (General) Act 2005*” from the definition of *motor vehicle* in section 4 (1).

Insert instead “*Road Transport Act 2013*”.

[2] Section 4 (1)

Omit the definition of *road* (including the note to that definition).

Insert instead:

road means a road or road related area within the meaning of section 4 (1) of the *Road Transport Act 2013*.

4.18 Driving Instructors Act 1992 No 3

[1] Section 3 Definitions

Omit “*Road Transport (Driver Licensing) Act 1998*” from paragraph (a) of the definition of *driver licence* in section 3 (1).

Insert instead “*Road Transport Act 2013*”.

[2] Section 3 (1), definition of “motor vehicle”

Omit “*Road Transport (General) Act 2005*”.

Insert instead “*Road Transport Act 2013*”.

[3] Section 10 Prerequisites for licence

Omit “section 16 (8) or 16A (7) of the *Road Transport (Driver Licensing) Act 1998*” from section 10 (2).

Insert instead “section 36 of the *Road Transport Act 2013*”.

[4] Section 15 Testing of applicant

Omit “*Road Transport (General) Act 2005*” from section 15 (b).

Insert instead “*Road Transport Act 2013*”.

[5] Section 18 Grounds for refusal of application

Omit “*Road Transport (Driver Licensing) Act 1998*” from section 18 (1) (f).

Insert instead “*Road Transport Act 2013* or former *Road Transport (Driver Licensing) Act 1998*”.

[6] Section 26 Grounds for suspension or cancellation of licence

Omit “*Road Transport (Driver Licensing) Act 1998*” from section 26 (2) (c).

Insert instead “*Road Transport Act 2013* or former *Road Transport (Driver Licensing) Act 1998*”.

[7] Section 36 Grounds on which prohibition order may be made

Omit “*Road Transport (Driver Licensing) Act 1998*” from section 36 (a).

Insert instead “*Road Transport Act 2013* or former *Road Transport (Driver Licensing) Act 1998*”.

[8] Section 51 Identification of persons offering driving instruction

Omit section 51 (1) (c). Insert instead:

- (c) if the vehicle is registered in Australia (within the meaning of the *Road Transport Act 2013*) or registered under the law of another country that corresponds to the requirements of that Act relating to the registration of motor vehicles—the person in whose name the vehicle is registered,

[9] Section 53 Use of unsatisfactory vehicle

Omit “*Road Transport (General) Act 2005*”.

Insert instead “*Road Transport Act 2013*”.

[10] Section 54 Employer not to allow use of unsatisfactory vehicle

Omit “*Road Transport (General) Act 2005*”.

Insert instead “*Road Transport Act 2013*”.

4.19 Duties Act 1997 No 123

[1] Section 224 Farm machinery and commercial vehicles

Omit “*Road Transport (Vehicle Registration) Act 1997*” from paragraph (a) of the definition of **commercial vehicle** in section 224 (2).

Insert instead “*Road Transport Act 2013*”.

[2] Section 261 Imposition of duty

Omit “*Road Transport (Vehicle Registration) Act 1997*”.

Insert instead “*Road Transport Act 2013*”.

[3] Section 262 Lodgment of statement of dutiable value

Omit “*Road Transport (Vehicle Registration) Act 1997*”.

Insert instead “*Road Transport Act 2013*”.

[4] Section 267 Exemptions

Omit “regulations under the *Road Transport (Vehicle Registration) Act 1997*” from section 267 (7B).

Insert instead “statutory rules under the *Road Transport Act 2013*”.

[5] Section 268 Avoidance of double duty—duty paid in a corresponding Australian jurisdiction

Omit “*Road Transport (Vehicle Registration) Act 1997*” from section 268 (a).

Insert instead “*Road Transport Act 2013*”.

[6] Section 270B Exemption for caravans

Omit “*Road Transport (Vehicle Registration) Act 1997*” from the definition of *caravan* in section 270B (2).

Insert instead “*Road Transport Act 2013*”.

[7] Section 270C Exemption for new heavy vehicle trailers

Omit “*Road Transport (Vehicle Registration) Act 1997*” from section 270C (1).

Insert instead “*Road Transport Act 2013*”.

[8] Section 270C (2)

Omit “*Road Transport (General) Act 2005*” and “the *Road Transport (Vehicle Registration) Act 1997*”.

Insert instead “*Road Transport Act 2013*” and “that Act”, respectively.

[9] Dictionary, clause 1

Omit “*Road Transport (Vehicle Registration) Act 1997*” wherever occurring in the definitions of *application to register a motor vehicle* and *motor vehicle*.

Insert instead “*Road Transport Act 2013*”.

[10] Dictionary, clause 1, definition of “new motor vehicle”

Omit “*Road Transport (Vehicle Registration) Act 1997*”.

Insert instead “*Road Transport Act 2013*, the former *Road Transport (Vehicle Registration) Act 1997*”.

[11] Dictionary, clause 1, definition of “road”

Omit the definition. Insert instead:

road means a road or road related area within the meaning of section 4 (1) of the *Road Transport Act 2013* (other than a road

or road related area that is the subject of a declaration made under section 18 (1) (b) of that Act relating to all of the provisions of that Act).

4.20 Environmental Planning and Assessment Regulation 2000

[1] Clause 186A Owners of existing buildings and dwellings must ensure smoke alarms are installed

Omit “capable of being registered under the *Road Transport (Vehicle Registration) Act 1997*” from the definition of *relocatable home* in clause 186A (9).

Insert instead “a vehicle of a kind that is capable of being registered within the meaning of the *Road Transport Act 2013*”.

[2] Clause 186AA Owners of moveable dwellings must ensure smoke alarms are installed

Omit “capable of being registered under the *Road Transport (Vehicle Registration) Act 1997*” from clause 186AA (3).

Insert instead “a vehicle of a kind that is capable of being registered within the meaning of the *Road Transport Act 2013*”.

4.21 Fines Act 1996 No 99

[1] Section 3 Definitions

Omit “*Road Transport (Driver Licensing) Act 1998*” from the definition of *driver licence* in section 3 (1).

Insert instead “*Road Transport Act 2013*”.

[2] Section 3 (1)

Omit the definitions of *registered*, *registered operator* and *responsible person*.

Insert instead:

registered, in relation to a vehicle, means registered within the meaning of the *Road Transport Act 2013*.

registered operator has the same meaning as in the *Road Transport Act 2013*.

responsible person for a vehicle has the same meaning as in the *Road Transport Act 2013*.

[3] Section 23A Person may elect to have matter dealt with by court

Omit “demerit points register kept under the *Road Transport (Driver Licensing) Act 1998*” from section 23A (3) (b).

Insert instead “NSW demerit points register kept under the *Road Transport Act 2013*”.

[4] Section 24G Effect of withdrawal of penalty notice

Omit “demerit points register kept under the *Road Transport (Driver Licensing) Act 1998*” from section 24G (2) (b) (i).

Insert instead “NSW demerit points register kept under the *Road Transport Act 2013*”.

[5] Section 36 How person may elect to have matter dealt with by court

Omit “demerit points register kept under the *Road Transport (Driver Licensing) Act 1998*” from section 36 (5) (b).

Insert instead “NSW demerit points register kept under the *Road Transport Act 2013*”.

[6] Section 38 Circumstances in which person issued with penalty reminder notice for vehicle or vessel offence is not liable to pay penalty

Insert “former” before “*Road Transport (Safety and Traffic Management) Act 1999*” in paragraph (b) of the definition of *vehicle or vessel offence* in section 38 (4).

[7] Section 38 (4), definition of “vehicle or vessel offence”

Insert after paragraph (b) of the definition:

- (b1) an offence relating to a vehicle or vessel (such as exceeding the speed limit) that is detected by an approved traffic enforcement device (within the meaning of the *Road Transport Act 2013*) and in respect of which the penalty notice is served subsequently on the owner or responsible person for the vehicle or the owner of the vessel,

[8] Section 38 (4), definition of “vehicle or vessel offence”

Insert “former” before “*Road Transport (General) Act 2005*” in paragraph (k) of the definition.

[9] Section 38 (4), definition of “vehicle or vessel offence”

Insert after paragraph (k):

- (k1) an offence under Division 2 of Part 7.3 of the *Road Transport Act 2013*,

[10] Section 65 When enforcement action taken under this Division

Omit paragraph (a) (i) of the definition of *traffic offence* in section 65 (6).

Insert instead:

- (i) the road transport legislation (within the meaning of the *Road Transport Act 2013*) or the former road transport legislation (within the meaning of Part 2 of Schedule 4 to that Act),

[11] Section 69 Interim restoration or reinstatement of licence or registration pending appeal etc

Omit “, the *Road Transport (Vehicle Registration) Act 1997* and the *Road Transport (Driver Licensing) Act 1998*” from section 69 (3).

Insert instead “and the *Road Transport Act 2013*”.

[12] Schedule 1 Statutory provisions under which penalty notices issued

Insert before the matter relating to the *Road Transport (General) Act 2005*:

Road Transport Act 2013, Division 3 of Part 7.3

4.22 Fire Brigades Regulation 2008

[1] Clause 9 Appointment as a permanent firefighter

Omit “*Road Transport (Driver Licensing) Act 1998*” from clause 9 (2) (c).

Insert instead “*Road Transport Act 2013*”.

[2] Clause 10 Appointment as a retained firefighter

Omit “*Road Transport (Driver Licensing) Act 1998*” from clause 10 (2) (c).

Insert instead “*Road Transport Act 2013*”.

[3] Clause 18 Unacceptable behaviour

Omit the definition of *drug* from clause 18 (3). Insert instead:

drug has the same meaning as in the *Road Transport Act 2013* (paragraph (a) of the definition of *drug* in section 4 (1) of that Act excepted).

4.23 Forestry Regulation 2012

Clause 6 Control of persons, vehicles and machines in forestry area

Omit the definitions of *number-plate* and *registered* from clause 6 (9).

Insert instead:

number-plate means a number-plate issued:

- (a) under the *Road Transport Act 2013*, or
- (b) by a competent authority of another jurisdiction.

registered means:

- (a) registered in Australia within the meaning of the *Road Transport Act 2013*, or
- (b) registered in New South Wales under the *Interstate Road Transport Act 1985* of the Commonwealth.

4.24 Gas Supply (Consumer Safety) Regulation 2012

Clause 41 Identification labels

Omit “registered under the *Road Transport (Vehicle Registration) Act 1997*” from clause 41 (2).

Insert instead “that is registered within the meaning of the *Road Transport Act 2013*”.

4.25 Graffiti Control Act 2008 No 100

[1] Part 4A Alternative and additional actions to imposing penalties for certain graffiti offences

Omit “Driver Licensing Act” wherever occurring (except in the definitions of *demerit points register* and *Driver Licensing Act* in section 13A).

Insert instead “*Road Transport Act 2013*”.

[2] Section 13A Definitions

Omit the definition of *demerit points register*. Insert instead:

demerit points register means the NSW demerit points register within the meaning of the *Road Transport Act 2013*.

[3] Section 13A, definition of “Driver Licensing Act”

Omit the definition.

[4] Section 13A, definitions of “learner licence period” and “provisional licence period”

Omit “regulations” wherever occurring. Insert instead “statutory rules”.

[5] Section 13D Orders extending learner and provisional licence periods

Omit “section 189 of the *Road Transport (General) Act 2005*” from section 13D (2).

Insert instead “section 207 of the *Road Transport Act 2013*”.

[6] Section 13E Graffiti licence orders

Omit “section 16AB of the *Road Transport (Driver Licensing) Act 1998*” from the note to section 13E (1).

Insert instead “section 38 of the *Road Transport Act 2013*”.

4.26 Health Services Regulation 2008

Clause 11C Definitions

Omit the definition of *traffic offence* from clause 11C (1). Insert instead:

traffic offence means an offence under any of the following provisions of the *Road Transport Act 2013* or a former corresponding provision within the meaning of that Act:

- (a) section 54 (relating to driving while disqualified or unlicensed),
- (b) section 110, 111, 112, 117, 118, 146 or 175.

4.27 Holiday Parks (Long-term Casual Occupation) Act 2002 No 88

Section 3 Definitions

Omit paragraph (a) of the definition of *relocatable home* in section 3 (1).

Insert instead:

- (a) a moveable dwelling that is a motor vehicle, trailer or other registrable vehicle within the meaning of the *Road Transport Act 2013*, or

4.28 Home Building Act 1989 No 147

Section 3 Definitions

Omit “capable of being registered under the *Road Transport (Vehicle Registration) Act 1997*” from the definition of *kit home* in section 3 (1).

Insert instead “a vehicle of a kind capable of being registered within the meaning of the *Road Transport Act 2013*”.

4.29 Home Building Regulation 2004

Clause 6 Definition of “dwelling”—certain residential buildings and other structures excluded

Omit “that is, or is capable of being, registered under the *Road Transport (Vehicle Registration) Act 1997*” from clause 6 (h).

Insert instead “that is, or is a vehicle of a kind capable of being, registered within the meaning of the *Road Transport Act 2013*”.

4.30 Homebush Motor Racing (Sydney 400) Act 2008 No 106

[1] Section 22 Removal of unattended motor vehicles

Omit “authorised officer” from section 22 (2).

Insert instead “appropriate officer”.

[2] Section 22 (3)

Omit “section 76 (2)–(8A) of the *Road Transport (Safety and Traffic Management) Act 1999*”.

Insert instead “section 143 (2)–(8) of the *Road Transport Act 2013*”.

[3] Section 22 (5), definition of “authorised officer”

Omit the definition. Insert instead:

appropriate officer has the same meaning as in section 143 of the *Road Transport Act 2013*, but does not include a police officer.

[4] Section 30 Suspension of certain Acts

Omit section 30 (1) (b). Insert instead:

(b) section 115 of the *Road Transport Act 2013*,

4.31 Housing Act 2001 No 52

Section 69B Access to information for preventing, investigating or prosecuting fraud

Omit section 69B (1) (a) and (b). Insert instead:

- (a) the NSW driver licence register within the meaning of the *Road Transport Act 2013*,
- (b) the NSW registrable vehicles register within the meaning of the *Road Transport Act 2013*,

4.32 Impounding Act 1993 No 31

[1] Section 43 Police required to provide assistance on request

Omit section 43 (2). Insert instead:

- (2) If the vehicle is or has been registered within the meaning of the *Road Transport Act 2013* or under any previous Act that provided for the registration of vehicles, the statement may consist of particulars of the name and address of the last registered operator of the vehicle according to the records kept by Roads and Maritime Services.

[2] Dictionary

Omit “*Road Transport (General) Act 2005*” from paragraph (a) of the definition of *motor vehicle*.

Insert instead “*Road Transport Act 2013*”.

4.33 Law Enforcement (Powers and Responsibilities) Act 2002 No 103

[1] Section 3 Interpretation

Omit “section 6 of the *Road Transport (General) Act 2005*” from the definition of *owner* in section 3 (1).

Insert instead “the *Road Transport Act 2013*”.

[2] Section 3 (1), definitions of “road” and “road related area”

Omit the definitions. Insert instead:

road means a road within the meaning of section 4 (1) of the *Road Transport Act 2013* (other than a road that is the subject of a declaration made under section 18 (1) (b) of that Act relating to all of the provisions of that Act).

road related area means a road related area within the meaning of section 4 (1) of the *Road Transport Act 2013* (other than a road related area that is the subject of a declaration made under section 18 (1) (b) of that Act relating to all of the provisions of that Act).

[3] Section 3 (1), definition of “vehicle”

Omit the definition. Insert instead:

vehicle includes a motor vehicle, trailer or other registrable vehicle within the meaning of the *Road Transport Act 2013*.

[4] Section 19A Power of police officer to require removal of face coverings for identification purposes

Omit paragraph (a) of the definition of *photographic identification* in section 19A (6).

Insert instead:

- (a) an applicable driver licence (within the meaning of Part 5.1 of the *Road Transport Act 2013*) bearing a photograph of its holder,

[5] Section 113 Effect of Part on other powers and duties

Omit “Division 3 of Part 2 of the *Road Transport (Safety and Traffic Management) Act 1999*” from section 113 (1) (b).

Insert instead “Division 2 of Part 2 of Schedule 3 to the *Road Transport Act 2013*”.

[6] Section 134 Orders for the taking of identification particulars

Omit section 134 (5) (b) and (c). Insert instead:

- (b) an offence under section 117 of the *Road Transport Act 2013* (or a former corresponding provision within the meaning of that Act) of driving a motor vehicle on a road or road related area negligently occasioning death, negligently occasioning grievous bodily harm, furiously or recklessly or at a speed or in a manner that is dangerous to the public,
- (c) an offence under any of the following provisions of the *Road Transport Act 2013* (or any former corresponding provisions within the meaning of that Act):
 - (i) section 110 (1), (2), (3) (a) or (b), (4) (a) or (b) or (5) (a) or (b),

-
- (ii) section 112 (1) (a) or (b),
 - (iii) section 118,
 - (iv) section 146,
 - (v) clause 16 (1) (b) of Schedule 3,
 - (vi) clause 17 (1) or 18 (1) of Schedule 3,

[7] Part 12, note

Omit the note at the beginning of Part 12. Insert instead:

Note. See the *Road Transport Act 2013* for particular police powers relating to:

- (a) traffic accidents, speed measuring devices, forfeiture of prohibited speed measuring evasion articles, random breath testing and other testing and other traffic-related matters, and
- (b) production of driver licences and disclosure of identity, suspension of licences and seizure of motor vehicles.

[8] Section 189B Power to prevent driving by persons who have failed oral fluid test or refused or failed to undergo oral fluid test or refused to provide oral fluid sample

Omit section 189B (3). Insert instead:

- (3) In this section:

oral fluid test has the same meaning as in Schedule 3 to the *Road Transport Act 2013*.

prescribed illicit drug has the same meaning as in the *Road Transport Act 2013*.

[9] Section 189C Power to prevent persons who have failed oral fluid test or refused or failed to undergo oral fluid test or refused to provide oral fluid sample supervising learner drivers

Omit section 189C (3). Insert instead:

- (3) In this section:

oral fluid test has the same meaning as in Schedule 3 to the *Road Transport Act 2013*.

prescribed illicit drug has the same meaning as in the *Road Transport Act 2013*.

[10] Schedule 1 Acts not affected by this Act

Omit the matter relating to the *Road Transport (General) Act 2005* and *Road Transport (Safety and Traffic Management) Act 1999*.

Insert instead:

Road Transport Act 2013

Road Transport (Vehicle and Driver Management) Act 2005

[11] Schedule 2 Search warrants under other Acts

Omit the matter relating to the *Road Transport (General) Act 2005*.

Insert instead:

Road Transport Act 2013, section 255

Road Transport (Vehicle and Driver Management) Act 2005,
section 157

**4.34 Law Enforcement (Powers and Responsibilities)
Regulation 2005**

[1] Clause 17 Custody managers not prevented from exercising other functions

Omit “Part 2 of the *Road Transport (Safety and Traffic Management) Act 1999*” from clause 17 (b).

Insert instead “Schedule 3 to the *Road Transport Act 2013*”.

[2] Clause 36A Definitions

Omit “*Road Transport (General) Act 2005*” wherever occurring in the definition of *drive* a vehicle and *driver* of a vehicle and the definition of *responsible person*.

Insert instead “*Road Transport Act 2013*”.

4.35 Legal Profession Regulation 2005

[1] Clause 4 Meaning of “excluded offence”

Omit paragraph (a) of the definition of *excluded offence* in clause 4 (1).

Insert instead:

- (a) any offence under the road transport legislation (within the meaning of the *Road Transport Act 2013*) other than the following:

-
- (i) any offence under section 54 (1), (3) or (4) of the *Road Transport Act 2013* (which relates to driving while unlicensed and other relevant matters),
 - (ii) any offence under section 110 of the *Road Transport Act 2013* (which relates to the presence of a prescribed concentration of alcohol in a person's breath or blood),
 - (iii) any offence under section 112 (1) of the *Road Transport Act 2013* (which relates to driving etc while under the influence of alcohol or any other drug),
 - (iv) any offence under section 117 (1) of the *Road Transport Act 2013* relating to driving a motor vehicle negligently on a road or road related area if the person concerned is, by way of penalty, sentenced to imprisonment or fined a sum of not less than \$200,
 - (v) any offence under section 117 (2) of the *Road Transport Act 2013* (which relates to driving a motor vehicle on a road or road related area furiously, recklessly or at a speed or in a manner dangerous to the public),
 - (vi) any offence under section 118 of the *Road Transport Act 2013* (which relates to menacing driving),
 - (vii) any offence under section 146 of the *Road Transport Act 2013* (which relates to failing to stop and give assistance after an accident),
 - (viii) any offence under section 175 of the *Road Transport Act 2013* (which relates to refusing to comply with a requirement to produce a driver licence, or to state name and home address, or stating a false name and home address),
 - (ix) any other offence under the road transport legislation if the court orders the disqualification of the person concerned from holding a driver licence,

[2] Clause 4 (2)

Omit the subclause. Insert instead:

- (2) For the purposes of the definition of *excluded offence* in subclause (1):
 - (a) a reference to an offence under the road transport legislation includes a reference to an offence under:
 - (i) the road transport legislation (within the meaning of the *Road Transport (General) Act 2005*), as previously in force, and
 - (ii) the *Traffic Act 1909*, or the regulations under that Act, as previously in force, and
 - (b) a reference to an offence under a provision of an Act specified in paragraph (a) of that definition includes a reference to an offence under a corresponding provision of road transport legislation (within the meaning of the *Road Transport (General) Act 2005*) or the *Traffic Act 1909* (or the regulations under that Act), as previously in force.

4.36 Licensing and Registration (Uniform Procedures) Act 2002 No 28

[1] Section 80D What the photo-access arrangements can provide for

Omit “Part 5 of the *Road Transport (Driver Licensing) Act 1998*” from section 80D (a).

Insert instead “Part 3.5 of the *Road Transport Act 2013*”.

[2] Section 80G Photographs to which Division applies

Omit “Part 5 of the *Road Transport (Driver Licensing) Act 1998*” wherever occurring.

Insert instead “Part 3.5 of the *Road Transport Act 2013*”.

[3] Section 80H Keeping and use of photographs

Omit “Part 5 (Protection of stored photographs) of the *Road Transport (Driver Licensing) Act 1998*” from section 80H (1) (f).

Insert instead “Part 3.5 of the *Road Transport Act 2013*”.

[4] Section 80I Release of photographs

Omit “Part 5 (Protection of stored photographs) of the *Road Transport (Driver Licensing) Act 1998*” from section 80I (1) (f).

Insert instead “Part 3.5 of the *Road Transport Act 2013*”.

4.37 Local Government Act 1993 No 30

[1] Section 632 Acting contrary to notices erected by councils

Omit “the *Road Transport (General) Act 2005*” wherever occurring.

Insert instead “section 4 (1) of the *Road Transport Act 2013*”.

[2] Section 633C Part not to affect roads and traffic functions under other Acts

Omit “the *Road Transport (General) Act 2005*” from section 633C (a).

Insert instead “section 4 (1) of the *Road Transport Act 2013*”.

[3] Section 633C (b)

Omit “*Road Transport (Safety and Traffic Management) Act 1999*” and “that Act”.

Insert instead “*Road Transport Act 2013*” and “section 4 (1) of that Act”, respectively.

[4] Section 651 Liability of vehicle owner for certain offences

Omit section 651 (9). Insert instead:

(9) In this section:

- (a) a reference to a penalty notice is a reference to a penalty notice under Division 3 of Part 7.3 of the *Road Transport Act 2013*, and
- (b) a reference to an owner of a vehicle is a reference to the responsible person for the vehicle within the meaning of the *Road Transport Act 2013*, and
- (c) a reference to a prescribed officer is a reference to an authorised officer within the meaning of the *Road Transport Act 2013*.

[5] Section 651B Immobilisation of vehicles

Omit “Division 2 of Part 5.5 of the *Road Transport (General) Act 2005*” from section 651B (2) (d).

Insert instead “Part 7.6 of the “*Road Transport Act 2013*”.

[6] Dictionary

Omit paragraph (b) of the definition of *manufactured home*.

Insert instead:

- (b) that is not a motor vehicle, trailer or other registrable vehicle within the meaning of the *Road Transport Act 2013*,

[7] Dictionary, definition of “public car park”

Omit “*Road Transport (Safety and Traffic Management) Act 1999*”.

Insert instead “*Road Transport Act 2013*”.

4.38 Local Government (General) Regulation 2005

[1] Clause 48 Activities for which approval is not required

Omit “registered under the *Road Transport (Vehicle Registration) Act 1997* that” wherever occurring in clause 48 (e) (iii) and (f) (iii).

Insert instead “that is registered within the meaning of the *Road Transport Act 2013* and”.

[2] Clause 65 Concurrence required for operation of public car park

Omit “*Road Transport (General) Act 1999* or, after the repeal of that Act, the *Road Transport (General) Act 2005*”.

Insert instead “*Road Transport Act 2013*”.

[3] Clause 275 Definitions

Omit “*Road Transport (Driver Licensing) Act 1998*” from the definition of *driver licence* in clause 275 (1).

Insert instead “*Road Transport Act 2013*”.

[4] Clause 356E Display of posters

Omit “the *Road Transport (General) Act 2005*” from clause 356E (3) (c).

Insert instead “section 4 (1) of the *Road Transport Act 2013*”.

[5] Clause 413

Omit the clause. Insert instead:

413 Parking and related offences for purposes of section 694

Any offence for which a penalty notice may for the time being be served under section 195 of the *Road Transport Act 2013* by a

Class 12 officer referred to in Schedule 4 to the *Road Transport (General) Regulation 2013* is declared to be a parking or related offence for the purposes of section 694 of the Act.

Note. The *Road Transport (General) Regulation 2013* defines the expression **Class 12 officer** and lists the offences for which a penalty notice may be served by such an officer. By operation of this clause, any offence in that list is a parking or related offence for the purposes of section 694 of the Act.

4.39 Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005

[1] Clause 4 Definitions

Omit the definitions of *campervan* and *caravan* from clause 4 (1).

Insert instead:

campervan means a moveable dwelling (other than a caravan) that is designed so as to be capable of being registered (within the meaning of the *Road Transport Act 2013*) as a motor vehicle, and includes a camper trailer.

caravan means a moveable dwelling that is designed so as to be capable of being registered (within the meaning of the *Road Transport Act 2013*) as a trailer, but does not include a camper trailer.

[2] Clause 4 (1), definitions of “park van” and “relocatable home”

Omit “capable of being registered under the *Road Transport (Vehicle Registration) Act 1997*” wherever occurring.

Insert instead “a vehicle of a kind that is capable of being registered within the meaning of the *Road Transport Act 2013*”.

[3] Clause 79 Plans to accompany applications for approval

Omit “capable of being registered under the *Road Transport (Vehicle Registration) Act 1997*” from clause 79 (6).

Insert instead “vehicles of a kind that are capable of being registered within the meaning of the *Road Transport Act 2013*”.

4.40 Major Events Act 2009 No 73

[1] Section 21 Definitions—Subdivision 2

Omit “*Road Transport (General) Act 2005*” from the definition of *road transport legislation* in section 21 (1).

Insert instead “*Road Transport Act 2013*”.

[2] Section 22 Relationship with road transport legislation

Omit “Part 2.1 of the *Road Transport (General) Act 2005*” from section 22 (4).

Insert instead “section 14 of the *Road Transport Act 2013*”.

[3] Section 23 Major event lane signs

Omit “the regulations under the *Road Transport (Safety and Traffic Management) Act 1999*” wherever occurring in section 23 (1) and (2).

Insert instead “the statutory rules under the *Road Transport Act 2013*”.

[4] Section 23 (3)

Omit “Part 4 of the *Road Transport (Safety and Traffic Management) Act 1999*”.

Insert instead “Part 5.3 of the *Road Transport Act 2013*”.

[5] Section 32 Removal of unattended motor vehicles—generally

Omit “section 76 of the *Road Transport (Safety and Traffic Management) Act 1999*” from section 32 (2).

Insert instead “section 143 of the *Road Transport Act 2013*”.

[6] Section 33 Removal of unattended motor vehicles—breach of parking restrictions

Omit “section 76 of the *Road Transport (Safety and Traffic Management) Act 1999*”.

Insert instead “section 143 of the *Road Transport Act 2013*”.

[7] Section 35 Removal of unattended motor vehicles—emergencies

Omit “authorised officer” from section 35 (1) (b).

Insert instead “appropriate officer”.

[8] Section 35 (2)

Omit “section 76 (2)–(8A) of the *Road Transport (Safety and Traffic Management) Act 1999*”.

Insert instead “section 143 (2)–(8) of the *Road Transport Act 2013*”.

[9] Section 35 (4)

Omit the subsection. Insert instead:

(4) In this section:

appropriate officer has the same meaning as in section 143 of the *Road Transport Act 2013*.

4.41 Marine Parks (Zoning Plans) Regulation 1999

Clause 5.13 Special purpose zones—fishing

Omit “Division 2 of Part 6 of the *Road Transport (Safety and Traffic Management) Regulation 1999*” from clause 5.13 (4) (a).

Insert instead “Division 2 of Part 6 of the *Road Transport (General) Regulation 2013*”.

4.42 Marine Safety Act 1998 No 121

[1] Section 20 Definitions

Omit “*Road Transport (Safety and Traffic Management) Act 1999*” wherever occurring in the definitions of *breath analysing instrument*, *breath test* and *drug* in section 20 (1).

Insert instead “*Road Transport Act 2013*”.

[2] Schedule 1 Alcohol and drug use—random breath testing and related matters

Omit the definitions of *analyst*, *breath analysis*, *prescribed laboratory*, *prescribed place* and *prescribed sample taker* from clause 1 (1).

Insert in alphabetical order:

analyst has the same meaning as in Schedule 3 to the *Road Transport Act 2013*.

authorised sample taker has the same meaning as in Schedule 3 to the *Road Transport Act 2013*.

breath analysis has the same meaning as in Schedule 3 to the *Road Transport Act 2013*.

prescribed laboratory means a laboratory prescribed by statutory rules under the *Road Transport Act 2013* for the purposes of any of the provisions of Schedule 3 to that Act.

prescribed place has the same meaning as in Schedule 3 to the *Road Transport Act 2013*.

[3] Schedule 1, clause 1 (2)

Omit “*Road Transport (Safety and Traffic Management) Act 1999*”.

Insert instead “*Road Transport Act 2013*”.

[4] Schedule 1

Omit each expression specified in Column 1 of the following Table wherever occurring (including definitions, headings and notes) and regardless of capitalisation.

Insert instead the expression specified in Column 2 opposite the expression specified in Column 1 with capitalisation that corresponds to that of the omitted expression:

Table

| Column 1 | Column 2 |
|--|---------------------------------|
| the medical practitioner, registered nurse or prescribed sample taker | the authorised sample taker |
| the medical practitioner, nurse or prescribed sample taker | the authorised sample taker |
| a medical practitioner, registered nurse or prescribed sample taker | an authorised sample taker |
| a medical practitioner, nurse or prescribed sample taker | an authorised sample taker |
| the practitioner, nurse or prescribed sample taker | the authorised sample taker |
| the medical practitioner or nurse | the authorised sample taker |
| a medical practitioner or nurse | an authorised sample taker |
| another medical practitioner or nurse | another authorised sample taker |
| such medical practitioner, registered nurse or prescribed sample taker | such authorised sample taker |

[5] Schedule 1, clause 8

Omit “regulations under the *Road Transport (Safety and Traffic Management) Act 1999* as a hospital for the purposes of Division 4 of Part 2 of that Act”.

Insert instead “statutory rules under the *Road Transport Act 2013* as a hospital for the purposes of Division 4 of Part 2 of Schedule 3 to that Act”.

[6] Schedule 1, clause 11 (4)

Omit the subclause. Insert instead:

(4) In this clause:

appropriate health professional means:

- (a) a medical practitioner or registered nurse, or a person of a class or description prescribed by the regulations under this Act, for the proper care and treatment of the person, or
- (b) a person belonging to a class of persons prescribed by the statutory rules under the *Road Transport Act 2013* as being an appropriate health professional for the purposes of clause 18 of Schedule 3 to that Act.

[7] Schedule 1, clause 34 (2) (a)

Omit “medical practitioners or nurses”.

Insert instead “authorised sample takers”.

4.43 Marine Safety (General) Regulation 2009

Clause 43 Application of this Part

Omit “registered under the *Road Transport (Vehicle Registration) Act 1997*” from clause 43 (1) (b).

Insert instead “registered within the meaning of the *Road Transport Act 2013*”.

4.44 Motor Accidents Act 1988 No 102

Section 3 Definitions

Insert after section 3 (6):

- (6A) A reference in this Act to an Act that formed part of the road transport legislation (within the meaning of the *Road Transport (General) Act 2005*) immediately before the repeal or renaming of that Act by the *Road Transport Legislation (Repeal and Amendment) Act 2013* is to be read as a reference to that Act as in force immediately before its repeal or renaming.

4.45 Motor Accidents Compensation Act 1999 No 41

[1] Section 3 Definitions

Omit the definitions of *motor vehicle*, *registration*, *road*, *trader's plate* and *trailer*.

Insert in alphabetical order:

motor vehicle means a motor vehicle or trailer within the meaning of the *Road Transport Act 2013*.

Note. The *Road Transport Act 2013* defines a *motor vehicle* to mean a vehicle (within the meaning of that Act) that is built to be propelled by a motor that forms part of the vehicle.

registration means:

- (a) registration of a motor vehicle under the *Road Transport Act 2013* or the *Recreation Vehicles Act 1983*, or
- (b) the issue of an unregistered vehicle permit under the *Road Transport Act 2013* for an unregistered motor vehicle, or
- (c) registration in New South Wales of a motor vehicle under the *Interstate Road Transport Act 1985* of the Commonwealth.

road means a road or road related area (within the meaning of section 4 (1) of the *Road Transport Act 2013*), but does not include an area to which the whole of that Act does not apply because of an instrument under that Act.

trader's plate means a trader's plate within the meaning of the *Road Transport Act 2013*.

trailer means a trailer within the meaning of the *Road Transport Act 2013*.

Note. The *Road Transport Act 2013* defines *trailer* to mean a vehicle that is built to be towed, or is towed, by a motor vehicle, but does not include a motor vehicle that is being towed.

[2] Section 4 Meaning of "owner" of motor vehicle

Omit "*Road Transport (Vehicle Registration) Act 1997*" from section 4 (1) (a) (i).

Insert instead "*Road Transport Act 2013*".

[3] Section 10 Third-party policies

Omit "*Road Transport (Vehicle Registration) Act 1997*" from section 10 (b).

Insert instead "*Road Transport Act 2013*".

[4] Section 10 (2)

Insert at the end of section 10:

- (2) A policy does not cease to be a third-party policy under this Act merely because the policy refers to an unregistered vehicle permit under the *Road Transport (Vehicle Registration) Act 1997* instead of an unregistered vehicle permit under the *Road Transport Act 2013* (as specified in paragraph (b) of the policy set out in subsection (1)).

[5] Section 10A Treatment of certain vehicles for purposes of third-party policy

Omit “*Road Transport (Vehicle Registration) Act 1997*” from section 10A (1) (a).

Insert instead “*Road Transport Act 2013*”.

[6] Section 33 Claim against Nominal Defendant where vehicle not insured

Omit “under the *Road Transport (Vehicle Registration) Act 1997*” from section 33 (3A).

Insert instead “within the meaning of section 4 (1) of the *Road Transport Act 2013*”.

[7] Section 34 Claim against Nominal Defendant where vehicle not identified

Omit “under the *Road Transport (Vehicle Registration) Act 1997*” from section 34 (1A).

Insert instead “within the meaning of section 4 (1) of the *Road Transport Act 2013*”.

[8] Section 140 Defence of voluntary assumption of risk

Omit “section 40 of the *Road Transport (Safety and Traffic Management) Act 1999*” from section 140 (3) (b).

Insert instead “section 115 of the *Road Transport Act 2013*”.

4.46 Motor Accidents Compensation Regulation 2005

[1] Clause 18 Motor vehicles taken to be subject to unregistered vehicle permits

Omit clause 18 (1) (k) (ii). Insert instead:

- (ii) registration charges within the meaning of the *Road Transport Act 2013* (exempted under clause 76J (2) of the *Road Transport (Vehicle Registration) Regulation 2007*).

[2] Clause 18 (3)

Omit “*Road Transport (Vehicle Registration) Act 1997*”.

Insert instead “*Road Transport Act 2013*”.

4.47 Motor Dealers Act 1974 No 52

[1] Section 4 Definitions

Omit “the regulations made under the *Road Transport (Vehicle Registration) Act 1997*” from paragraph (a) of the definition of ***inspection report*** in section 4 (1).

Insert instead “the statutory rules under the *Road Transport Act 2013*”.

[2] Section 20D Notices to show cause

Omit “section 22 (2) or (4) of the *Road Transport (Vehicle Registration) Act 1997* (Affixing of interstate number-plates on registrable vehicles in New South Wales)” from section 20D (1) (b1).

Insert instead “section 73 (1) or (3) of the *Road Transport Act 2013*”.

[3] Section 23B Sale by auction of vehicles to which number-plates are attached

Omit “*Road Transport (Vehicle Registration) Act 1997*” from section 23B (3) (a).

Insert instead “*Road Transport Act 2013*”.

4.48 Motor Dealers Regulation 2010

[1] Clause 66 Certificate of inspection

Omit “the regulations under the *Road Transport (Vehicle Registration) Act 1997*” from clause 66 (1).

Insert instead “the statutory rules under the *Road Transport Act 2013*”.

[2] Clause 69 Savings

Insert at the end of the clause:

- (2) A notice for a form set out in Schedule 3 that is prescribed does not cease to be a notice in or to the effect of that form merely because the notice refers to an inspection report issued in accordance with the regulations under the *Road Transport (Vehicle Registration) Act 1997* instead of the statutory rules under the *Road Transport Act 2013*.

[3] Schedule 3 Forms

Omit “the regulations under the *Road Transport (Vehicle Registration) Act 1997*” wherever occurring.

Insert instead “the statutory rules under the *Road Transport Act 2013*”.

4.49 Motor Sports (World Rally Championship) Act 2009 No 55

[1] Section 17 Suspension of certain road and noise legislation

Omit section 17 (2) (b). Insert instead:

- (b) section 115 of the *Road Transport Act 2013* or an instrument made under that Act in relation to matters contained in section 115, and

[2] Section 17 (3)

Omit “*Road Transport (General) Act 2005*”.

Insert instead “*Road Transport Act 2013*”.

4.50 Motor Vehicle Repairs Act 1980 No 71

[1] Section 4 Definitions

Omit “Part 2AA of the *Road Transport (Vehicle Registration) Act 1997*” from the definition of *certification work* in section 4 (1).

Insert instead “Part 4.5 of the *Road Transport Act 2013*”.

[2] Section 42 Grounds on which a licence holder may be dealt with under this Part

Omit “section 16Q of the *Road Transport (Vehicle Registration) Act 1997* or the regulations made under Part 2AA of that Act” from section 42 (1) (d1).

Insert instead “section 98 of the *Road Transport Act 2013* or statutory rules made for the purposes of Part 4.5 of that Act”.

[3] Section 73 Authority may require information

Omit “section 16Q of the *Road Transport (Vehicle Registration) Act 1997*” from section 73 (3).

Insert instead “section 98 of the *Road Transport Act 2013*”.

[4] Section 75 Power of entry and examination

Omit “Part 2AA of the *Road Transport (Vehicle Registration) Act 1997* and the regulations made under that Part” from section 75 (6).

Insert instead “Part 4.5 of the *Road Transport Act 2013* and statutory rules made for the purposes of that Part”.

[5] Section 75B Production of records

Omit “Part 2AA of the *Road Transport (Vehicle Registration) Act 1997* or the regulations made under that Part” from section 75B (1).

Insert instead “Part 4.5 of the *Road Transport Act 2013* or the statutory rules made for the purposes of that Part”.

4.51 Motor Vehicle Sports (Public Safety) Act 1985 No 24

[1] Section 3 Definitions

Omit “*Road Transport (General) Act 2005*” from the definition of *motor vehicle*.

Insert instead “*Road Transport Act 2013*”.

[2] Section 3, definition of “motor vehicle racing ground”

Omit “within the meaning of the *Road Transport (General) Act 2005* (other than a road or road related area that is the subject of a declaration made under section 15 (1) (b) of that Act relating to all of the provisions of that Act)”.

Insert instead “within the meaning of section 4 (1) of the *Road Transport Act 2013* (other than a road or road related area that is the subject of a declaration made under section 18 (1) (b) of that Act relating to all of the provisions of that Act)”.

4.52 Motor Vehicles Taxation Act 1988 No 111

[1] Section 3 Definitions

Omit “*Road Transport (Vehicle Registration) Act 1997*” from the definition of *motor tricycle* in section 3 (1).

Insert instead “*Road Transport Act 2013*”.

[2] Section 3 (1), definition of “motor vehicle”

Omit “*Road Transport (General) Act 2005*”.

Insert instead “*Road Transport Act 2013*”.

[3] Section 3 (1), definition of “registered”

Omit “registered under the *Road Transport (Vehicle Registration) Act 1997*”.

Insert instead “registered within the meaning of the *Road Transport Act 2013*”.

[4] Section 3 (1), definitions of “road” and “road related area”

Omit the definitions. Insert instead:

road means a road within the meaning of section 4 (1) of the *Road Transport Act 2013* (other than a road that is the subject of a declaration made under section 18 (1) (b) of that Act relating to all of the provisions of that Act).

road related area means a road related area within the meaning of section 4 (1) of the *Road Transport Act 2013* (other than a road related area that is the subject of a declaration made under section 18 (1) (b) of that Act relating to all of the provisions of that Act).

[5] Section 3B

Omit the section. Insert instead:

3B Relationship with Schedule 2 to Road Transport Act 2013

This Act applies to motor vehicles in respect of which an amount of tax (including a nil amount) is specified in Schedule 1, but does not apply to:

- (a) a vehicle in respect of which a registration charge (including a nil charge) is imposed under Schedule 2 to the *Road Transport Act 2013*, or
- (b) unless otherwise expressly provided in Schedule 1, a vehicle that is exempt from registration charges under Schedule 2 to the *Road Transport Act 2013*.

Note. Schedule 2 to the *Road Transport Act 2013* makes provision for registration charges for heavy vehicles.

[6] Section 5 Amount of tax

Insert after section 5 (1D):

(1E) For the purposes of the calculation of the amount of motor vehicle tax as provided by subsection (1A) for a calendar year (or part of a calendar year) occurring after the commencement of Schedule 2 to the *Road Transport Act 2013*:

- (a) any reference in Schedule 1 to charges (including a nil charge) under Part 2A of the *Road Transport (Vehicle*

Registration) Act 1997 is to be read as a reference to registration charges (including a nil charge) under the *Road Transport Act 2013*, and

- (b) any reference in Schedule 1 to a vehicle being exempt from charges under Part 2A of the *Road Transport (Vehicle Registration) Act 1997* is to be read as a reference to a vehicle being exempt from registration charges under the *Road Transport Act 2013*.

[7] Section 16 Vehicles totally exempt from tax

Omit section 16 (1) (b). Insert instead:

- (b) any motor vehicle on which a trader's plate is being used in accordance with the *Road Transport Act 2013* or the statutory rules under that Act,

[8] Section 17 Exemptions granted by Minister

Omit section 17 (1) (p). Insert instead:

- (p) any motor vehicle that is registered conditionally under the statutory rules under the *Road Transport Act 2013*.

4.53 Mount Panorama Motor Racing Act 1989 No 108

[1] Section 3 Definitions

Omit the definitions of *road* and *road related area*. Insert instead:

road means a road within the meaning of section 4 (1) of the *Road Transport Act 2013* (other than a road that is the subject of a declaration made under section 18 (1) (b) of that Act relating to all of the provisions of that Act).

road related area means a road related area within the meaning of section 4 (1) of the *Road Transport Act 2013* (other than a road related area that is the subject of a declaration made under section 18 (1) (b) of that Act relating to all of the provisions of that Act).

[2] Section 12 Suspension and application of certain legislation etc

Omit section 12 (1) (b). Insert instead:

- (b) section 115 of the *Road Transport Act 2013*, and

[3] Section 12 (3)

Omit "*Road Transport (General) Act 2005*".

Insert instead "*Road Transport Act 2013*".

4.54 National Parks and Wildlife Act 1974 No 80

[1] Section 159 Liability of vehicle owner for parking offences

Omit “*Road Transport (General) Act 2005*” from the definition of *owner* in section 159 (1).

Insert instead “*Road Transport Act 2013*”.

[2] Section 184A RMS roads within Kosciuszko National Park

Omit “the *Road Transport (General) Act 2005*” from section 184A (8) (b).

Insert instead “section 4 (1) of the *Road Transport Act 2013*”.

[3] Section 184A (8) (c)

Omit “*Road Transport (Safety and Traffic Management) Act 1999* with respect to roads or road related areas within the meaning of that Act”.

Insert instead “*Road Transport Act 2013* with respect to roads or road related areas within the meaning of section 4 (1) of that Act”.

4.55 National Parks and Wildlife Regulation 2009

Clause 7 Use of vehicles, hooped animals, vessels and machines in parks

Omit the definitions of *mobility parking scheme authority*, *number-plate* and *registered* from clause 7 (9).

Insert instead:

mobility parking scheme authority has the same meaning as in the *Road Transport (General) Regulation 2013*.

number-plate means a number-plate issued:

- (a) under the *Road Transport Act 2013*, or
- (b) by a competent authority of another jurisdiction.

registered means:

- (a) registered in Australia within the meaning of the *Road Transport Act 2013*, or
- (b) registered in New South Wales under the *Interstate Road Transport Act 1985* of the Commonwealth.

4.56 Parliamentary Electorates and Elections Act 1912 No 41

[1] Section 3 Definitions

Omit “*Road Transport (Driver Licensing) Act 1998*” from the definition of *Driver licence* in section 3 (1).

Insert instead “*Road Transport Act 2013*”.

[2] Section 151B Exhibition of posters

Omit “the *Road Transport (General) Act 2005*” from section 151B (4) (c).

Insert instead “section 4 (1) of the *Road Transport Act 2013*”.

4.57 Passenger Transport Act 1990 No 39

[1] Section 3 Definitions

Omit the definitions of *road* and *road related area* from section 3 (1).

Insert instead:

road means a road within the meaning of section 4 (1) of the *Road Transport Act 2013* (other than a road that is the subject of a declaration made under section 18 (1) (b) of that Act relating to all of the provisions of that Act).

road related area means a road related area within the meaning of section 4 (1) of the *Road Transport Act 2013* (other than a road related area that is the subject of a declaration made under section 18 (1) (b) of that Act relating to all of the provisions of that Act).

[2] Section 9C Accreditation conditions relating to drug and alcohol programs and testing

Omit “Division 4 of Part 2 of the *Road Transport (Safety and Traffic Management) Act 1999*” from section 9C (5).

Insert instead “Division 4 of Part 2 of Schedule 3 to the *Road Transport Act 2013*”.

[3] Section 32K Stand-by taxi-cabs

Omit section 32K (2) (b) and (c). Insert instead:

- (b) be registered within the meaning of the *Road Transport Act 2013*, and

-
- (c) in addition to the number-plates referred to in paragraph (a), display the number-plates allocated to that vehicle by virtue of its registration within the meaning of the *Road Transport Act 2013*, and

[4] Schedule 5 Transport safety employees—alcohol or other drugs

Omit clause 3 (3). Insert instead:

- (3) Subject to the regulations, section 109 (Measurement of alcohol concentrations) of the *Road Transport Act 2013* applies in relation to the measurement of the concentration of alcohol in a person's breath or blood for the purposes of the regulations in the same way as it applies for the purposes of that Act.

4.58 Passenger Transport (Drug and Alcohol Testing) Regulation 2010

[1] Clause 3 Definitions

Omit the definition of *breath analysing instrument* and *breath analysis* from clause 3 (1).

Insert instead:

breath analysing instrument has the same meaning as in the *Road Transport Act 2013*.

breath analysis has the same meaning as in Schedule 3 to the *Road Transport Act 2013*.

[2] Clause 3 (1), definition of “drug”

Omit “*Road Transport (Safety and Traffic Management) Act 1999*” wherever occurring (including the note to the definition).

Insert instead “*Road Transport Act 2013*”.

[3] Clause 3 (1), definition of “hospital”

Omit “Division 4 of Part 2 of the *Road Transport (Safety and Traffic Management) Act 1999*”.

Insert instead “Division 4 of Part 2 of Schedule 3 to the *Road Transport Act 2013*”.

[4] Clause 3 (2)

Omit “*Road Transport (Safety and Traffic Management) Act 1999*”.

Insert instead “*Road Transport Act 2013*”.

[5] Clause 23 Double jeopardy

Omit clause 23 (2) (b). Insert instead:

(b) Part 5.1 of, or Schedule 3 to, the *Road Transport Act 2013*.

[6] Clause 24 Alcohol in breath or blood determined by breath analysis

Omit “*Road Transport (Safety and Traffic Management) Act 1999*” from clause 24 (3) (c).

Insert instead “*Road Transport Act 2013*”.

4.59 Passenger Transport Regulation 2007

[1] Clause 3 Definitions

Omit “regulation under the *Road Transport (Vehicle Registration) Act 1997*” from paragraph (a) of the definition of **authorised taxi-cab inspection station** in clause 3 (1).

Insert instead “statutory rule under the *Road Transport Act 2013*”.

[2] Clause 3 (1), definition of “driver licence”

Omit “*Road Transport (Driver Licensing) Act 1998*”.

Insert instead “*Road Transport Act 2013*”.

[3] Clause 3 (1), definition of “registration number”

Omit “regulations made under the *Road Transport (Vehicle Registration) Act 1997*”.

Insert instead “statutory rules made under the *Road Transport Act 2013*”.

[4] Clause 48 Definitions

Omit “*Road Transport (General) Act 2005*” from the definition of **road** and **road related area** in clause 48 (1).

Insert instead “*Road Transport Act 2013*”.

[5] Clause 68S Certain vehicles crossing running line at railway crossing

Omit clause 68S (2). Insert instead:

- (2) Subclause (1) (a) does not apply if the vehicle and load comply with the relevant statutory rules under the *Road Transport Act 2013* or *Road Transport (Vehicle and Driver Management) Act 2005* (or are the subject of a relevant permit under either Act).

[6] Clause 105 Buses registered interstate

Omit “registered under the *Road Transport (Vehicle Registration) Act 1997*”.

Insert instead “registered within the meaning of the *Road Transport Act 2013*”.

[7] Clause 110 Maximum age of taxi-cabs

Omit “the regulations made under the *Road Transport (Vehicle Registration) Act 1997*” from clause 110 (6).

Insert instead “the statutory rules made under the *Road Transport Act 2013*”.

[8] Clause 187 Specifications for private hire vehicles

Omit “the regulations made under the *Road Transport (Vehicle Registration) Act 1997*” from clause 187 (5).

Insert instead “the statutory rules made under the *Road Transport Act 2013*”.

[9] Clause 239 Authorised officers

Omit clause 239 (1) (f). Insert instead:

- (f) persons holding an examiner’s authority that is in force under statutory rules made under the *Road Transport Act 2013*,

4.60 Photo Card Act 2005 No 20

[1] Section 6 Eligibility for Photo Card

Omit “*Road Transport (Driver Licensing) Act 1998*” from section 6 (1) (c).

Insert instead “*Road Transport Act 2013*”.

[2] Section 6 (2), note

Omit “section 33 or 34 of the *Road Transport (General) Act 1999*”.

Insert instead “Division 4 of Part 7.4 of the *Road Transport Act 2013*”.

[3] Section 9 Photograph to be provided

Omit “*Road Transport (Driver Licensing) Act 1998*” from the definition of *existing database photograph* in section 9 (3).

Insert instead “*Road Transport Act 2013*”.

[4] Section 14 Keeping the Register

Omit “*Road Transport (Driver Licensing) Act 1998*” from section 14 (5).

Insert instead “*Road Transport Act 2013*”.

[5] Section 18 Purposes for which photographs may be kept and used

Omit “Part 5 (Protection of stored photographs) of the *Road Transport (Driver Licensing) Act 1998*” from section 18 (1) (e).

Insert instead “Part 3.5 (Protection of stored photographs) of the *Road Transport Act 2013*”.

[6] Section 19 Release of photographs prohibited

Omit “Part 5 (Protection of stored photographs) of the *Road Transport (Driver Licensing) Act 1998*” from section 19 (1) (g).

Insert instead “Part 3.5 (Protection of stored photographs) of the *Road Transport Act 2013*”.

[7] Section 26 Unauthorised reproduction of photographs

Omit “*Road Transport (Driver Licensing) Act 1998*” and “regulations under those Acts”.

Insert instead “*Road Transport Act 2013*” and “statutory rules under those Acts”, respectively.

4.61 Photo Card Regulation 2005

[1] Clause 3 Definitions

Omit “*Road Transport (Driver Licensing) Act 1998*” from the definition of *driver licence*.

Insert instead “*Road Transport Act 2013*”.

[2] Clause 9 Purposes for which photographs may be kept and used

Omit “Division 2 (Mobility parking scheme authorities) of Part 6 of the *Road Transport (Safety and Traffic Management) Regulation 1999*”.

Insert instead “Division 2 (Mobility parking scheme authorities) of Part 6 of the *Road Transport (General) Regulation 2013*”.

4.62 Police Act 1990 No 47

[1] Section 203 Wearing or possession of police uniforms by others

Omit “*Road Transport (General) Act 2005*” from the definition of *motor vehicle* in section 203 (8).

Insert instead “*Road Transport Act 2013*”.

[2] Section 211A Testing of police officers for alcohol and prohibited drugs

Omit section 211A (4C) and (4D). Insert instead:

- (4C) Any such medical practitioner must take the sample if informed by the authorised person that the sample is required to be taken by the practitioner, but not a sample of blood if such a sample is taken under clause 11 of Schedule 3 to the *Road Transport Act 2013* instead. Schedule 3 to the *Road Transport Act 2013* applies to any taking of a sample pursuant to this subsection as if the sample were a sample of blood taken under clause 11 of that Schedule.
- (4D) Any sample taken under subsection (4C) is to be dealt with, and a report on the analysis of the sample is to be provided, in accordance with the regulations. However, nothing in this section or the regulations derogates from the operation of Schedule 3 to the *Road Transport Act 2013*.

[3] Section 211A (5A)

Omit the subsection. Insert instead:

- (5A) Subject to the regulations, section 109 (Measurement of alcohol concentrations) of the *Road Transport Act 2013* applies in relation to the measurement of the concentration of alcohol in a person's breath or blood for the purposes of this section and the regulations in the same way as it applies for the purposes of that Act.

[4] Section 211A (7), definition of "breath test"

Omit "*Road Transport (Safety and Traffic Management) Act 1999*".

Insert instead "*Road Transport Act 2013*".

4.63 Police Regulation 2008

[1] Clause 76 Definitions

Omit "*Road Transport (Safety and Traffic Management) Act 1999*" wherever occurring in the definitions of *breath analysing instrument* and *breath test*.

Insert instead "*Road Transport Act 2013*".

[2] Clause 77 Operation of Part

Omit "*Road Transport (Safety and Traffic Management) Act 1999*" wherever occurring in clause 77 (1) and (2).

Insert instead "*Road Transport Act 2013*".

4.64 Protection of the Environment Operations Act 1997 No 156

[1] Section 160 Defences

Omit “registrable under the *Road Transport (Vehicle Registration) Act 1997*” wherever occurring in section 160 (3) (c) and (6) (b).

Insert instead “a vehicle of a kind capable of being registered within the meaning of the *Road Transport Act 2013*”.

[2] Section 165 Suspension of registration

Omit “*Road Transport (Vehicle Registration) Act 1997*” wherever occurring in section 165 (1) and (6).

Insert instead “*Road Transport Act 2013*”.

[3] Section 166 Prohibition on registration

Omit “*Road Transport (Vehicle Registration) Act 1997*” from section 166 (1) (a).

Insert instead “*Road Transport Act 2013*”.

[4] Dictionary

Omit “*Road Transport (General) Act 2005*” wherever occurring in the definitions of *motor vehicle* and *owner*.

Insert instead “*Road Transport Act 2013*”.

4.65 Protection of the Environment Operations (General) Regulation 2009

[1] Clause 72 Definitions

Omit “*Road Transport (General) Act 2005*” from the definition of *motor vehicle*.

Insert instead “*Road Transport Act 2013*”.

[2] Clause 94 Prohibition on placing advertising material on vehicles

Omit “*Road Transport (Safety and Traffic Management) Regulation 1999*” from clause 94 (2).

Insert instead “*Road Transport (General) Regulation 2013*”.

4.66 Protection of the Environment Operations (Noise Control) Regulation 2008

[1] Clause 3 Definitions

Omit “*Road Transport (Vehicle Registration) Act 1997*” from the definition of ***GVM (gross vehicle mass)*** in clause 3 (1).

Insert instead “*Road Transport Act 2013*”.

[2] Clause 3 (1), definition of “mobile air compressor”

Omit “capable of being registered under the *Road Transport (Vehicle Registration) Act 1997*”.

Insert instead “of a kind capable of being registered within the meaning of the *Road Transport Act 2013*”.

[3] Clause 3 (1), definitions of “road” and “road related area”

Omit the definitions (including the notes to those definitions). Insert instead:

road means a road within the meaning of section 4 (1) of the *Road Transport Act 2013* (other than a road that is the subject of a declaration made under section 18 (1) (b) of that Act relating to all of the provisions of that Act).

road related area means a road related area within the meaning of section 4 (1) of the *Road Transport Act 2013* (other than a road related area that is the subject of a declaration made under section 18 (1) (b) of that Act relating to all of the provisions of that Act).

[4] Clause 12 Use of motor vehicles on road or road related area

Omit “section 40 of the *Road Transport (Safety and Traffic Management) Act 1999*” from clause 12 (3) (b).

Insert instead “section 115 of the *Road Transport Act 2013*”.

[5] Clause 17 Drive or use motor vehicle on road or road related area if vehicle’s sound system emits offensive noise

Omit “*Road Transport (General) Act 2005*” from clause 17 (3).

Insert instead “*Road Transport Act 2013*”.

[6] Clause 26 Defective vehicle notices

Omit “*Road Transport (Vehicle Registration) Act 1997*” from clause 26 (3) (c).

Insert instead “*Road Transport Act 2013*”.

4.67 Public Health (Tobacco) Act 2008 No 94

- [1] **Section 30 Smoking of tobacco in motor vehicle prohibited if juvenile present**
Omit “*Road Transport (Driver Licensing) Act 1998*” from section 30 (6) (b).
Insert instead “*Road Transport Act 2013*”.
- [2] **Section 30 (8), definitions of “drive” and “motor vehicle”**
Omit “*Road Transport (General) Act 2005*” wherever occurring.
Insert instead “*Road Transport Act 2013*”.
- [3] **Section 30 (8), definition of “road” or “road related area”**
Omit “the same meaning as in the *Road Transport (General) Act 2005*”.
Insert instead “the same meaning as in section 4 (1) of the *Road Transport Act 2013*”.

4.68 Rail Safety (Adoption of National Law) Regulation 2012

- [1] **Clause 3 Definitions**
Omit the definitions of *approved oral fluid analysing instrument*, *approved oral fluid testing device*, *breath analysing instrument* and *breath analysis* from clause 3 (1).
Insert in alphabetical order:
approved oral fluid analysing instrument and *approved oral fluid testing device* have the same meanings as in the *Road Transport Act 2013*.
breath analysing instrument has the same meaning as in the *Road Transport Act 2013*.
breath analysis has the same meaning as in Schedule 3 to the *Road Transport Act 2013*.
- [2] **Clause 3 (1), definition of “preliminary breath test”**
Omit “*Road Transport (Safety and Traffic Management) Act 1999*”.
Insert instead “*Road Transport Act 2013*”.
- [3] **Clause 3 (2)**
Omit “*Road Transport (Safety and Traffic Management) Act 1999*”.
Insert instead “*Road Transport Act 2013*”.

[4] Clause 28 Certificate evidence about breath analysing instruments

Omit “*Road Transport (Safety and Traffic Management) Act 1999*” from clause 28 (2) (c).

Insert instead “*Road Transport Act 2013*”.

4.69 Recreation Vehicles Act 1983 No 136

[1] Section 4 Definitions

Omit “section 172 of the *Road Transport (General) Act 2005*” from the definition of *district registry* in section 4 (1).

Insert instead “section 176 of the *Road Transport Act 2013*”.

[2] Section 4 (1), definition of “motor vehicle”

Omit “*Road Transport (General) Act 2005*”.

Insert instead “*Road Transport Act 2013*”.

[3] Section 4 (1), definitions of “number-plate” and “registered owner”

Omit “registered under the *Road Transport (Vehicle Registration) Act 1997*” wherever occurring.

Insert instead “registered within the meaning of the *Road Transport Act 2013*”.

[4] Section 5 Application of road transport legislation

Omit “section 183 of the *Road Transport (General) Act 2005*” from section 5 (2).

Insert instead “section 195 of the *Road Transport Act 2013*”.

[5] Section 5 (3)

Omit “*Road Transport (General) Act 2005*”.

Insert instead “*Road Transport Act 2013*”.

[6] Section 23 Application of certain offences under Road Transport Act 2013

Omit “9, 12 and 42 of the *Road Transport (Safety and Traffic Management) Act 1999*” wherever occurring.

Insert instead “110, 112 and 117 of the *Road Transport Act 2013*”.

[7] Section 24 Prohibition of unregistered vehicles in recreation vehicle areas

Omit “the *Road Transport (Vehicle Registration) Act 1997*” wherever occurring in section 24 (1), (2) and (3).

Insert instead “within the meaning of the *Road Transport Act 2013*”.

[8] Section 26 Registration plates etc to be attached to motor vehicles

Omit “under the *Road Transport (Vehicle Registration) Act 1997*” from section 26 (b).

Insert instead “within the meaning of the *Road Transport Act 2013*”.

[9] Section 33 Powers of authorised officers: generally

Omit “the *Road Transport (Vehicle Registration) Act 1997*” from section 33 (4).

Insert instead “within the meaning of the *Road Transport Act 2013*”.

[10] Section 35 Registered owners to identify drivers of registered motor vehicles

Omit “the *Road Transport (Vehicle Registration) Act 1997*” from section 35 (3).

Insert instead “within the meaning of the *Road Transport Act 2013*”.

[11] Section 44 Regulations

Omit “*Road Transport (General) Act 2005*” from section 44 (3) (e).

Insert instead “*Road Transport Act 2013*”.

4.70 Residential Parks Act 1998 No 142

Section 3 Definitions

Omit the definition of *registrable moveable dwelling* from section 3 (1).

Insert instead:

registrable moveable dwelling means a moveable dwelling that is a motor vehicle, trailer or other registrable vehicle within the meaning of the *Road Transport Act 2013*.

4.71 Road Obstructions (Special Provisions) Act 1979 No 9

[1] Section 3 Definitions

Omit “*Road Transport (General) Act 2005*” from the definition of *motor vehicle* in section 3 (1).

Insert instead “*Road Transport Act 2013*”.

[2] Section 3 (1), definition of “owner”

Omit paragraph (c) of the definition. Insert instead:

- (c) any person who is an Australian registered operator of the vehicle within the meaning of the *Road Transport Act 2013*,

[3] Section 3 (1), definition of “public road”

Omit the definition. Insert instead:

public road means a road or road related area within the meaning of section 4 (1) of the *Road Transport Act 2013* (other than a road or road related area that is the subject of a declaration made under section 18 (1) (b) of that Act relating to all of the provisions of that Act).

[4] Section 4 Penalty for not moving a motor vehicle obstructing a public road

Omit “*Road Transport (Driver Licensing) Act 1998*, or the regulations thereunder,” from section 4 (4).

Insert instead “*Road Transport Act 2013*, or the statutory rules under that Act,”.

4.72 Roads Act 1993 No 33

[1] Section 5 Right of passage along public road by members of the public

Omit “*Road Transport (General) Act 2005*” from section 5 (3) (a).

Insert instead “*Road Transport Act 2013*”.

[2] Section 52 Tollways

Omit “the *Road Transport (General) Act 2005*” from section 52 (3).

Insert instead “section 4 (1) of the *Road Transport Act 2013*”.

[3] Section 52A Transitways

Omit “the *Road Transport (General) Act 2005*” from section 52A (2).

Insert instead “section 4 (1) of the *Road Transport Act 2013*”.

[4] Section 52A (3)

Omit “*Road Transport (General) Act 2005*”.

Insert instead “*Road Transport Act 2013*”.

[5] Section 87 Traffic control facilities

Omit “the *Road Transport (General) Act 2005* (other than roads or road related areas that are the subject of any declaration made under section 15 (1) (b) of that Act relating to all of the provisions of that Act)” in section 87 (1).

Insert instead “section 4 (1) of the *Road Transport Act 2013* (other than roads or road related areas that are the subject of any declaration made under section 18 (1) (b) of that Act relating to all of the provisions of that Act)”.

[6] Section 87 (3)

Omit “the *Road Transport (General) Act 2005* (other than a road or road related area that is the subject of any declaration made under section 15 (1) (b) of that Act relating to all of the provisions of that Act)”.

Insert instead “section 4 (1) of the *Road Transport Act 2013* (other than a road or road related area that is the subject of any declaration made under section 18 (1) (b) of that Act relating to all of the provisions of that Act)”.

[7] Section 102 Liability for damage to public road

Omit “the *Road Transport (General) Act 2005* (other than a road or road related area that is the subject of a declaration made under section 15 of that Act relating to all of the provisions of that Act)” from section 102 (1).

Insert instead “section 4 (1) of the *Road Transport Act 2013* (other than a road or road related area that is the subject of a declaration made under section 18 of that Act relating to all of the provisions of that Act)”.

[8] Section 144 Permits for road events

Omit “section 40 of the *Road Transport (Safety and Traffic Management) Act 1999*” from section 144 (3).

Insert instead “section 115 of the *Road Transport Act 2013*”.

[9] Section 144B Roads authority not to obstruct light rail system

Omit section 144B (4). Insert instead:

- (4) Nothing in this section prevents the temporary closure of any road or road related area within the meaning of section 4 (1) of the *Road Transport Act 2013* (other than a road or road related area that is the subject of a declaration made under section 18 (1) (b) of that Act relating to all of the provisions of that Act) or the taking of other action that is authorised by section 186 of the *Law Enforcement (Powers and Responsibilities) Act 2002*.

[10] Section 225 Certain fines to be paid into RMS Fund

Omit “*Road Transport (General) Act 2005*” from section 225 (a) (ii).

Insert instead “*Road Transport (Vehicle and Driver Management) Act 2005*”.

[11] Section 225 (b)

Omit “the *Road Transport (General) Act 1999* or the *Road Transport (General) Act 2005*”.

Insert instead “the *Road Transport Act 2013* or a former road transport Act (within the meaning of Part 2 of Schedule 4 to the *Road Transport Act 2013*)”.

[12] Section 244 Liability of owner of vehicle for certain driving offences

Omit “Part 5.3 of the *Road Transport (General) Act 2005*” from section 244 (9).

Insert instead “Division 3 of Part 7.3 of the *Road Transport Act 2013*”.

[13] Dictionary

Omit paragraphs (c) and (d) of the definition of *owner of a vehicle*.

Insert instead:

- (c) an Australian registered operator of the vehicle within the meaning of the *Road Transport Act 2013*,
- (d) in the case of a vehicle to which a trader’s plate (within the meaning of the *Road Transport Act 2013*) is attached, the person to whom the trader’s plate is issued.

4.73 Royal Botanic Gardens and Domain Trust Regulation 2008

Clause 5 Fees and charges

Omit “*Road Transport (Safety and Traffic Management) Regulation 1999*” from clause 5 (1).

Insert instead “*Road Transport (General) Regulation 2013*”.

4.74 Summary Offences Act 1988 No 25

[1] Section 3 Definitions

Omit the definitions of *road* and *road related area* from section 3 (1).

Insert instead:

road means a road within the meaning of section 4 (1) of the *Road Transport Act 2013* (other than a road that is the subject of a declaration made under section 18 (1) (b) of that Act relating to all of the provisions of that Act).

road related area means a road related area within the meaning of section 4 (1) of the *Road Transport Act 2013* (other than a road related area that is the subject of a declaration made under section 18 (1) (b) of that Act relating to all of the provisions of that Act).

[2] Section 11H Intimidatory use of vehicles and vessels

Omit section 11H (3) (b). Insert instead:

- (b) an offence under section 118 (Menacing driving) of the *Road Transport Act 2013* (or a former corresponding provision within the meaning of that Act).

4.75 Sydney Olympic Park Authority Act 2001 No 57

[1] Section 4 Definitions

Omit “the *Road Transport (Safety and Traffic Management) Act 1999*” wherever occurring in the definition of *road* in section 4 (1).

Insert instead “section 4 (1) of the *Road Transport Act 2013*”.

[2] Section 41 Traffic management plans

Omit “*Road Transport (General) Act 2005*” from section 41 (6).

Insert instead “*Road Transport Act 2013*”.

[3] Section 43 Effect of road closure

Omit “*Road Transport (General) Act 2005*”.

Insert instead “*Road Transport Act 2013*”.

[4] Section 44 Removal of unattended motor vehicles and trailers

Omit “Section 76 of the *Road Transport (Safety and Traffic Management) Act 1999*” from section 44 (3).

Insert instead “Section 143 of the *Road Transport Act 2013*”.

[5] Section 44 (4)

Omit “*Road Transport (Safety and Traffic Management) Act 1999*”.

Insert instead “*Road Transport Act 2013*”.

[6] Section 46 Parking

Omit “the pay parking regulations (being the regulations made under the *Road Transport (Safety and Traffic Management) Act 1999* in respect of pay parking)”.

Insert instead “the statutory rules made under the *Road Transport Act 2013* in respect of pay parking”.

[7] Section 78 Liability of owner of vehicle for certain parking offences

Omit “section 43 of the *Road Transport (General) Act 1999*” from the note to section 78 (1).

Insert instead “Division 2 of Part 7.3 of the *Road Transport Act 2013*”.

4.76 Tow Truck Industry Act 1998 No 111

[1] Section 3 Definitions

Omit the definitions of *driver licence*, *motor vehicle*, *road* and *road related area* from section 3 (1).

Insert in alphabetical order:

driver licence means a driver licence within the meaning of the *Road Transport Act 2013*.

motor vehicle means a motor vehicle (other than a light rail vehicle) or trailer within the meaning of the *Road Transport Act 2013*.

road means a road within the meaning of section 4 (1) of the *Road Transport Act 2013* (other than a road that is the subject of

a declaration made under section 18 (1) (b) of that Act relating to all of the provisions of that Act).

road related area means a road related area within the meaning of section 4 (1) of the *Road Transport Act 2013* (other than a road related area that is the subject of a declaration made under section 18 (1) (b) of that Act relating to all of the provisions of that Act).

[2] Section 17 Application for licence

Omit “*Road Transport (General) Act 2005*” from section 17 (2) (e).

Insert instead “*Road Transport Act 2013*”.

[3] Section 26 Restrictions on granting drivers certificate

Omit “*Road Transport (Driver Licensing) Act 1998*” from section 26 (5).

Insert instead “*Road Transport Act 2013*”.

[4] Section 66 Compliance with directions at scene of accident

Omit the note to section 66 (1). Insert instead:

Note. It is an offence under section 142 (4) of the *Road Transport Act 2013* to fail to comply with any direction given by a police officer or other appropriate officer in the exercise of the officer’s functions of removing an obstruction to traffic on a road or road related area.

4.77 Tow Truck Industry Regulation 2008

[1] Clause 3 Definitions

Omit “*Road Transport (General) Act 2005*” from the definition of **owner** in clause 3 (1).

Insert instead “*Road Transport Act 2013*”.

[2] Clause 40B Definitions

Omit “*Road Transport (General) Act 2005*” wherever occurring in the definitions of **gross combination mass** and **gross vehicle mass**.

Insert instead “*Road Transport Act 2013*”.

[3] Clause 54 Stand-by tow trucks

Omit “registered under the *Road Transport (Vehicle Registration) Act 1997*” from clause 54 (3) (b).

Insert instead “registered within the meaning of the *Road Transport Act 2013*”.

4.78 Transport Administration Act 1988 No 109

[1] Section 3 Definitions

Omit “*Road Transport (General) Act 2005*” from paragraph (e) of the definition of *transport legislation* in section 3 (1).

Insert instead “*Road Transport Act 2013*”.

[2] Section 45E Interpretation

Omit “the *Road Transport (General) Act 2005*” wherever occurring in the definitions of *road* and *road related area* in section 45E (1).

Insert instead “section 4 (1) of the *Road Transport Act 2013*”.

[3] Section 78 Payments into RMS Fund

Omit section 78 (1) (b). Insert instead:

- (b) all money received by or on account of RMS, except:
 - (i) any tax paid under the *Motor Vehicles Taxation Act 1988*, and
 - (ii) any registration charges or administration fees paid under Schedule 2 to the *Road Transport Act 2013* or any other fees or charges prescribed under that Act in connection with vehicle registration, and
 - (iii) any fees paid under the *Road Transport Act 2013* in connection with driver licensing, and
 - (iv) any fees or charges prescribed under the *Driving Instructors Act 1992* or the *Recreation Vehicles Act 1983*, and
 - (v) any money received under the *Tow Truck Industry Act 1998*, and
 - (vi) any money excluded from paragraph (a), and
 - (vii) any money excluded from this paragraph by the regulations, and

[4] Section 80H Payments into Community Road Safety Fund (as inserted by the Transport Administration Amendment (Community Road Safety Fund) Act 2012 No 70)

Omit section 80H (4). Insert instead:

- (4) In this section:
 - camera recorded speeding offence* means:
 - (a) an average speed detected offence within the meaning of Division 2 of Part 7.3 of the *Road Transport Act 2013*, and

- (b) a speeding offence (other than an average speed detected offence) in respect of which the penalty notice or the court attendance notice indicates that the offence was detected by the appropriate approved traffic enforcement device (within the meaning of Division 2 of Part 7.3 of the *Road Transport Act 2013*) for the offence.

camera recorded traffic light offence means a traffic light offence (within the meaning of Division 5 of Part 5.3 of the *Road Transport Act 2013*) in respect of which the penalty notice or the court attendance notice indicates that the offence was detected by the appropriate approved traffic enforcement device (within the meaning of Division 2 of Part 7.3 of that Act) for the offence.

[5] Section 104N Light rail system

Omit “*Road Transport (General) Act 2005*” from section 104N (3).

Insert instead “*Road Transport Act 2013*”.

[6] Section 104N (6)

Omit the subsection. Insert instead:

- (6) In this section:

road means a road or road related area within the meaning of section 4 (1) of the *Road Transport Act 2013* (other than a road or road related area that is the subject of a declaration made under section 18 (1) (b) of that Act relating to all of the provisions of that Act).

[7] Section 106 Grants to councils in connection with use of buses

Omit “Part 2A of the *Road Transport (Vehicle Registration) Act 1997*” from section 106 (2).

Insert instead “Schedule 2 to the *Road Transport Act 2013* (or a former corresponding provision within the meaning of that Act)”.

[8] Section 116 Liability of vehicle owner for parking offences on Authority’s land

Omit paragraph (b) of the definition of **owner** in section 116 (7).

Insert instead:

- (b) in the case of a motor vehicle:
- (i) a registered operator of the vehicle within the meaning of the *Road Transport Act 2013*, except where the person has sold or otherwise disposed of the vehicle and has complied with any applicable

provisions of that Act or the former *Road Transport (Vehicle Registration) Act 1997* (or the statutory rules made under either Act) in respect of the sale or disposal, and

- (ii) in the case of a vehicle to which a trader's plate within the meaning of the *Road Transport Act 2013* is affixed—the person to whom the trader's plate has been issued.

4.79 Transport Administration (General) Regulation 2005

[1] Clause 3 Definitions

Omit “Division 1 of Part 4 of the *Road Transport (Safety and Traffic Management) Act 1999*” from the definition of ***prescribed traffic control device*** in clause 3 (1).

Insert instead “Part 5.3 of the *Road Transport Act 2013*”.

[2] Clause 9 Prescribed traffic control facilities

Omit “*Road Transport (General) Act 1999*”.

Insert instead “*Road Transport Act 2013*”.