

# Road Transport Legislation Amendment (Miscellaneous Provisions) Act 2009 No 104

[2009-104]



New South Wales

## Status Information

### Currency of version

Repealed version for 15 December 2009 to 19 April 2010 (accessed 1 July 2024 at 3:18)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

The Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 20.4.2010.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 20 April 2010

# Road Transport Legislation Amendment (Miscellaneous Provisions) Act 2009 No 104



New South Wales

## Contents

<b>Long title</b> .....	3
1 Name of Act .....	3
2 Commencement .....	3
<b>Schedule 1 Amendment of road transport legislation</b> .....	3
<b>Schedule 2 Amendment of Fines Act 1996 No 99</b> .....	6

# Road Transport Legislation Amendment (Miscellaneous Provisions) Act 2009 No 104



New South Wales

An Act to make miscellaneous amendments to the road transport legislation and related amendments to the *Fines Act 1996*.

## 1 Name of Act

This Act is the *Road Transport Legislation Amendment (Miscellaneous Provisions) Act 2009*.

## 2 Commencement

- (1) This Act commences on the date of assent to this Act, except as provided by subsection (2).
- (2) Schedules 1.2 [4]-[11], 1.3 and 2 commence on a day or days to be appointed by proclamation.

## Schedule 1 Amendment of road transport legislation

### 1.1

(Repealed)

### 1.2 Road Transport (General) Act 2005 No 11

#### [1]-[3] (Repealed)

#### [4] Section 179 Liability of responsible person for vehicle for designated offences

Omit “statutory declaration” wherever occurring in section 179 (3) (a) (i), (4) and (7).

Insert instead “relevant nomination document”.

#### [5] Section 179 (6)

Omit “20 penalty units” and “5 penalty units”.

Insert instead “100 penalty units” and “50 penalty units”, respectively.

**[6] Section 179 (7)**

Omit “10 penalty units” and “5 penalty units”.

Insert instead “100 penalty units” and “50 penalty units”, respectively.

**[7] Section 179 (8A)-(8D)**

Insert after section 179 (8):

(8A) **Nominations by corporations** The Authority may approve one or more documents (**approved nomination documents**) for use by corporations when nominating other persons under this section as persons in charge of vehicles for which the corporations are the responsible persons.

(8B) Without limiting subsection (8A), the Authority may approve documents under that subsection:

(a) to be provided in printed or electronic form (or both), and

(b) to be used in relation to more than one designated offence involving one or more vehicles for which a corporation is the responsible person.

(8C) If a corporation that is the responsible person for a vehicle supplies an approved nomination document to an authorised officer for the purpose of subsection (3) or (4) instead of a statutory declaration, an authorised officer may, by written notice served on the corporation (a **verification notice**), require it to supply a statutory declaration for use in court proceedings that verifies such of the nominations contained in the approved nomination document as are specified in the verification notice.

(8D) A corporation served with a verification notice must supply the required statutory declaration within the period specified in the notice (being a period of not less than 7 days after the date of service).

Maximum penalty: 100 penalty units.

**[8] Section 179 (9)**

Omit “under subsection (3), (4) or (7A)”.

Insert instead “supplied for the purposes of subsection (3), (4), (7A) or (8C)”.

**[9] Section 179 (10)**

Omit “or (4)”. Insert instead “, (4) or (8C)”.

**[10] Section 179 (10)**

Insert at the end of the subsection:

**Note—**

The Authority may approve a nomination document under subsection (8A) for use by a corporation instead of a statutory declaration that relates to more than one designated offence involving one or more vehicles for which the corporation is the responsible person. See subsection (8B).

**[11] Section 179 (12)**

Insert in alphabetical order:

***relevant nomination document*** means:

- (a) in the case of a responsible person that is a corporation served with a penalty notice in relation to a designated offence:
  - (i) an approved nomination document under subsection (8A), or
  - (ii) a statutory declaration, or
- (b) in the case of a responsible person that is a corporation served with a court attendance notice in relation to a designated offence—a statutory declaration, or
- (c) in the case of a responsible person for a vehicle who is a natural person—a statutory declaration.

**[12]-[15] (Repealed)**

**1.3 Road Transport (Safety and Traffic Management) Act 1999 No 20**

**[1] Section 8 General definitions**

Insert in alphabetical order in section 8 (1):

***learner driver***, in relation to a motor vehicle, means:

- (a) a person who holds a learner licence of a class of motor vehicles that includes the motor vehicle, or
- (b) a person who is learning to drive the motor vehicle in circumstances where:
  - (i) the person holds a driver licence of a class of motor vehicles that does not include the motor vehicle, and
  - (ii) the person is permitted under the regulations to learn to drive the motor vehicle despite not having a driver licence for motor vehicles of that class.

**novice driver**, in relation to a motor vehicle, means:

- (a) a person who is the holder of a learner licence or a provisional licence of a class that includes the motor vehicle, or
- (b) a person who is not authorised to drive the motor vehicle in New South Wales because the person (in New South Wales or elsewhere) has had his or her application for a learner licence or provisional licence of a class that includes the motor vehicle refused, or
- (c) a person who is not authorised to drive the motor vehicle in New South Wales because the person (in New South Wales or elsewhere) has ceased to hold a learner licence or provisional licence of a class that includes the motor vehicle as a result of:
  - (i) the cancellation or suspension of the licence, or
  - (ii) the disqualification of the person from holding a driver licence, or
  - (iii) the expiry of the licence, or
- (d) a person who is not authorised to drive the motor vehicle in New South Wales because the person (in New South Wales or elsewhere) has never obtained a driver licence for any class of motor vehicle.

**[2] Section 9 Presence of prescribed concentration of alcohol in person's breath or blood**

Omit "If a person is the holder of a learner licence or a provisional licence in respect of a motor vehicle, the person" from section 9 (1A).

Insert instead "A novice driver".

**[3] Section 9 (1) (c), (2) (c), (3) (c) and (4) (c)**

Omit "a holder of a learner licence" wherever occurring.

Insert instead "a learner driver".

**[4] Schedule 2 Savings, transitional and other provisions**

Insert at the end of clause 1 (1):

*Road Transport Legislation Amendment (Miscellaneous Provisions) Act 2009*, but only to the extent that it amends this Act

## **Schedule 2 Amendment of Fines Act 1996 No 99**

**[1] Section 38 Circumstances in which person issued with penalty reminder notice for**

**vehicle or vessel offence is not liable to pay penalty**

Omit section 38 (1A) (a). Insert instead:

- (a) in the case of a penalty reminder notice served on a person other than a corporation—be verified by a statutory declaration, and
- (a1) in the case of a penalty reminder notice served on a corporation:
  - (i) be verified by a statutory declaration, or
  - (ii) be a notice of a kind approved for the purposes of subsection (1B), and

**[2] Section 38 (1B)-(1E)**

Insert after section 38 (1A):

- (1B) The State Debt Recovery Office may approve one or more kinds of notices (**approved notices**) for use by corporations when giving notice for the purposes of subsection (1) (a).
- (1C) Without limiting subsection (1B), the State Debt Recovery Office may approve notices under that subsection:
  - (a) to be provided in printed or electronic form (or both), and
  - (b) to be used in relation to more than one offence involving one or more vehicles or vessels.
- (1D) If a corporation gives an approved notice for the purposes of subsection (1) (a) instead of a notice verified by statutory declaration, an appropriate officer for the penalty notice to which the penalty reminder notice relates may, by written notice served on the corporation (a **verification notice**), require the corporation to supply a statutory declaration for use in court proceedings verifying such of the information contained in the approved notice as is specified in the verification notice.
- (1E) A corporation served with a verification notice must supply the required statutory declaration within the period specified in the notice (being a period of not less than 7 days after the date of service).

Maximum penalty: 100 penalty units.

**[3] Section 38 (3)**

Omit the subsection. Insert instead:

(3) A statutory declaration that relates to more than one vehicle or vessel offence is not a statutory declaration under, or for the purposes of, subsection (1A) or (1D).

**[4] Schedule 3 Savings, transitional and other provisions**

Insert at the end of clause 1 (1):

*Road Transport Legislation Amendment (Miscellaneous Provisions) Act 2009* (to the extent that it amends this Act)