



Road Transport (General) Regulation 2021

Regulatory Impact Statement

June 2021

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Executive summary

The Road Transport (General) Regulation 2013 (the existing Regulation) is being remade as part of the staged repeal of statutory rules under the *Subordinate Legislation Act 1989*. The repeal of the existing Regulation is due on 1 September 2021. The existing Regulation is one of a number of statutory instruments made under the *Road Transport Act 2013*. These statutory instruments provide important administrative support in the regulation of road transport and road safety in NSW.

The NSW Government's Future Transport 2056 strategy has been developed to meet the state's needs over the next four decades. It comprises a suite of strategies and plans, directions and principles that set the 40-year vision for customer mobility in NSW. Future Transport 2056 has a customer centric focus and will guide transport investment over the longer term as it presents a glimpse of the large economic and societal shifts to be seen in the future. Under Future Transport 2056, NSW will respond to rapid changes in technology and innovation to create and maintain a world-class, safe, efficient and reliable transport system.

The changes set out in the Road Transport (General) Regulation 2021 (the proposed Regulation) will contribute to the delivery of Future Transport 2056. The changes to the pay parking scheme provisions will reduce the complexity of the regulatory framework and allow a range of technologically neutral solutions to be adopted for payment, ticketing and enforcement. These changes will benefit road users by contributing to the seamless and interactive delivery of transport services.

The proposed Regulation is a draft. It has been released with this Regulatory Impact Statement (RIS) so that interested parties can review it and provide comment and suggestions. The RIS sets out the objectives and rationale of the proposed Regulation. It considers three options for achieving those objectives as well as an assessment of the costs and benefits of each option.

The remaking of the Regulation is the best option available to achieve the objectives of the Act. The existing Regulation has been updated and provides for new methods and improved practice in the management of pay parking schemes, removes duplication and modernises the existing Regulation. The benefits of remaking the Regulation clearly outweigh the costs.

Submissions are invited on any of the matters raised in the RIS or any other matter contained in the proposed Regulation. All submissions will be considered and may result in amendments to the proposed Regulation.

The proposed Regulation will be finalised and published on the NSW Legislation website to enable it to commence on 1 September 2021.

Public consultation on the proposed Regulation

A public notice of the proposed Regulation is published in the *Sydney Morning Herald* and the *Daily Telegraph*. The proposed Regulation and RIS are available for download at the Transport for NSW website at www.transport.nsw.gov.au/projects/current-projects. The public consultation period is at least 28 days.

The RIS has also been distributed to the key stakeholders listed at Appendix 1.

1.1 How to make a submission

Interested parties, including stakeholder groups, other interested organisations and the wider community, are invited to submit written comments on the proposed Regulation to Transport for NSW. Comments and suggestions may be provided on individual matters or on the proposed Regulation as a whole. If commenting on a specific matter, please refer to the clause number of the proposed Regulation.

By post: Mr Gavin Crouch
 Remake of Road Transport (General) Regulation 2013
 Transport Policy
 Customer Strategy and Technology
 Transport for NSW
 PO Box K659
 Haymarket NSW 1240

By email: RTGR@transport.nsw.gov.au.

The closing date for submissions is 5pm on 31 July 2021.

1.2 What will happen with submissions?

Transport for NSW will review and evaluate the submissions received and the proposed Regulation may be amended. Copies of submissions will be provided to the Legislation Review Committee of the NSW Parliament along with the final version of the proposed Regulation. All submissions received will be published. If you wish for all or part of your submission to be treated as confidential, please clearly state this in your submission.

Background

1.3 The management of road transport in NSW

Transport for NSW (TfNSW) is the agency responsible for the development of safe, integrated and efficient transport systems for the people of NSW. Part of the transport functions mandated in the *Transport Administration Act 1988* include responsibility for road safety, road travel efficiency and road traffic management.¹ The principal legislative instrument for the administration of these functions is the *Road Transport Act 2013* (the Road Transport Act) and its statutory instruments.

In 2013, NSW, along with most other jurisdictions, adopted the Heavy Vehicle National Law which established the National Heavy Vehicle Regulator (the Regulator) and a single national system of laws for heavy vehicles over 4.5 tonnes GVM. Accordingly, matters relating to heavy vehicle standards, mass and dimensions, load management, schemes to prevent speeding and fatigue and the chain of responsibility in the heavy vehicle industry are regulated by the *Heavy Vehicle National Law (NSW) 2013* and the *Heavy Vehicle (Adoption of National Law) Act 2013*.

The task of managing road transport in NSW is significant. In December 2020, there were just over 6.3 million licensed drivers and 6.8 million registered vehicles. There is approximately 18,000 kilometres of State roads and our transport system serves the State's approximately 8 million residents, 300,000 businesses and 40 million visitors each year.

1.4 Road transport legislation

The objectives of the Road Transport Act involve the regulation of road transport and road safety in NSW in relation to:

- A driver licence system which is part of a national system of driver licensing
- A vehicle registration system as part of a uniform national approach to vehicle registration and standards
- Systems for the improvement of road safety, transport efficiency and the reduction in administrative costs relating to road transport
- Programs to recover expenses incurred in the administration of the Road Transport Act.

Road transport regulations

The Road Transport (General) Regulation 2013 is one of a number of statutory instruments made under the Road Transport Act, including the:

- Road Rules 2014
- Road Transport (Driver Licensing) Regulation 2017
- Road Transport (Vehicle Registration) Regulation 2017.

These statutory rules provide important administrative support in meeting the objectives of the Road Transport Act.

¹ [Annual reports - Corporate publications - About us - Roads and Maritime Services \(nsw.gov.au\)](#).

1.5 Road Transport (General) Regulation 2013

The existing Regulation provides certain mechanisms, standards and procedures relating to, among other things:

- Responsibility for certain vehicle use;
- Mass dimension and load requirements for light vehicles;
- Parking schemes;
- Parking permits and mobility parking scheme authorities;
- Compliance and enforcement (including service of notice provisions and penalty notice offences);
- Appeals; and
- Fees.

Before the consolidation of road transport legislation in 2013 to form the current Road Transport Act, there were 10 road transport regulations. These regulations were reduced to the four regulatory frameworks, with the provisions of the former Road Transport (Safety and Traffic Management) Regulation 1999 and parts of the Road Transport (Mass, Loading and Access) Regulation 2005 (relating to light vehicles) were consolidated into the existing Regulation.

1.6 Regulatory Impact Statement process

The *Subordinate Legislation Act 1989* provides for regulations to have a limited life. In most cases, regulations are automatically repealed after five years. When a regulation is due for repeal, the responsible agency must review the regulation and the need for the regulation. The agency must then make a decision about whether the regulation should be remade. The results of this review are required to be published in a RIS and submissions invited from the public.

The existing Regulation is due for repeal on 1 September 2021.

1.7 NSW Government Guide to Better Regulation

The *NSW Government Guide to Better Regulation* expresses the opposing forces at work in government regulation:

Regulation is an important tool available to government...[and] helps deliver the community's economic social and environmental goals. However, regulation can also impose administrative and compliance burdens on business, not for profits, consumers, government and the wider community. These burdens must be weighed against the benefits that the regulation generates.²

The Guide articulates what characterises good regulation and the minimisation of red tape through seven Better Regulation principles. These principles emphasise:

- The need for government action only in the public interest;
- The need for clear regulatory objectives;
- The weighing up of costs and benefits of a range of options;
- The importance of public consultation; and
- The need for simplification and review.³

² NSW Treasury, *NSW Government Guide to Better Regulation*, Policy and Guidelines Paper, TPP 19-01, p.5.

³ Guide to Better Regulation, p.5.

The Better Regulation principles should guide the development of regulatory impact statements.

1.8 Consultation

TfNSW has undertaken extensive consultation with NSW Police, Office of Local Government and Local Government NSW as well as representatives from local government on proposed changes to the provisions of the regulation that deal with pay parking schemes.

The release of the RIS and the proposed Regulation for public consultation provide interested stakeholders, including local government and members of the wider community, with an opportunity to co-design the proposed Regulation with TfNSW by providing comment more broadly on all of the proposed changes.

Need for government action

Good regulation is characterised by, among other things, the demonstrated need for government action in the public interest. Without limitation, the regulation of road transport in NSW includes the need to:

- Ensure that NSW roads are safe for all road users: drivers, riders, passengers and pedestrians; and
- Enable the efficient movement of goods and people on NSW roads.

The *Motor Traffic Act 1909* – borrowing from the British *Motor Car Act 1903* – was introduced in NSW to regulate motor vehicles and their drivers. The Act introduced the licensing of drivers and the registration of vehicles and a range of offences, including that of driving ‘upon a public street, negligently, furiously, or recklessly, or at a speed or in a manner which is dangerous to the public’. It provided for the making of regulations concerning driver licences, vehicle registration, rudimentary vehicle standards and other matters.⁴

In terms of enforcement, penalty notices were first introduced in NSW under transport regulations in the 1950s to deal with parking offences: ‘to address the difficulties encountered by the courts in dealing with a large number of such offences’.⁵ In 1961, the penalty notice scheme was extended to some offences under the Motor Traffic Act. As the Law Reform Commission notes in its 2012 report into penalty notices:

This was done at a time when the road toll in NSW had dramatically increased and the government decided that the time of traffic police could be better spent patrolling rather than preparing breach reports and attending court. It was noted that a penalty notice system would save the time spent by motorists in attending court, reduce the costs of issuing and serving summons, and help relieve court congestion.⁶

Modern road transport legislation – in NSW and elsewhere – evolved and adapted in response to changes in road infrastructure and technology, vehicle design and, importantly, a better understanding of crash causality and prevention. These changes have included use of traffic control devices, vehicle standards, safety devices, limits on alcohol and other drugs, radar and camera technology and other innovations.

Since the 1990s, state and federal governments have worked together to promote an efficient, integrated and consistent transport system across Australia through the National Transport Commission.

The Future Transport Technology Roadmap 2021-2024 showcases Transport for NSW’s focus on customers and communities and demonstrates how TfNSW will use its technology capabilities to deliver integrated solutions to improve long-term transport outcomes for the people of NSW. Legislation will continue to evolve to enable an agile response to technology-driven change.

Technology driven change and improving customer outcomes are key drivers for the remake of the Regulation. There is a need to streamline and modernise the existing regulatory framework to reduce red tape and improve the customer experience particularly in relation to parking schemes. There is also a need to improve compliance and enforcement arrangements in relation to the administration of the Mobility Parking Scheme to mitigate the opportunity for abuse. A review of the operation of controlled loading zone schemes is also required to improve kerb access or goods vehicles and reduce congestion.

⁵ New South Wales Law Reform Commission, Report 132 Penalty Notices February 2012, p. 4.

⁶ Ibid, p.5.

Assessment of options to achieve objectives

This section of the RIS deals with options for providing the necessary regulatory support required to achieve the objectives of the Road Transport Act. Three options have been examined and are discussed. The costs and benefits of each option are assessed according to:

- The extent to which each option supports the Act's objectives;
- The cost effectiveness of each option in terms of costs and benefits to business, impacts on the community and government; and
- The extent to which the option contributes to the overall efficiency of the regulatory system.

1.9 Option 1 – allow the existing Regulation to lapse

If the Regulation is not made, the existing Regulation will lapse on 1 September 2021.

COSTS

The cost of taking no action and allowing the existing Regulation to lapse would be high and unacceptable to the community.

There are many provisions in the existing Regulation which provide for the smooth and efficient operation of traffic, safe vehicle operation and the regulation of driver behaviour, the administration of pay parking schemes, the ability to deal with offences by way of penalty notices, the determination of criminal responsibility and other matters.

In the absence of explicit regulation, many of the procedures, requirements and obligations imposed by the Regulation could not be replaced by other legislative or non-legislative mechanisms. Without these procedures, requirements and obligations, the administration of road transport legislation would be ineffectual.

The most significant consequence of allowing the Regulation to lapse is in relation to the enforcement of road transport legislation.

Offences in road transport legislation are currently dealt with by way of court attendance notices (CANs) for serious and criminal offences and penalty notices.

Penalty notice provisions in the Regulation allow for the payment of a fine or for the recipient to appear in court to contest the fine. The existing Regulation allows for the issue of penalty notices in person by Police and other authorised officers. Alternately, penalty notices are automatically generated (as a result of detection by traffic enforcement devices) through Revenue NSW. These include offences relating to:

- Speeding;
- Seat belt wearing;
- Traffic lights and road rules generally;
- Driver licensing;
- Vehicle registration;
- Drink and drug driving;
- Illegal mobile phone use;
- Vehicle standards and defects;
- Mass, loading and dimension breaches (light vehicles); and
- Parking.

Penalty notices have substantial benefits. As the Law Reform Commission outlined in its 2012 Report:

Penalty notices were introduced...because of their significant advantages, especially their cost benefits. They save time and money for the agencies that issue them, for courts that avoid lengthy lists of minor offences, and for recipients who do not have to take time off work to attend court or pay court or legal costs. The penalty is immediate and certain and is usually significantly lower than the maximum penalty available for the offence, were it to be dealt with by a court. Penalty notice recipients also avoid having a conviction recorded.⁷

Given that most matters in the Road Transport Act are dealt with by penalty notice, allowing the Regulation to lapse would result in a major decline in the prosecution of traffic offences in court. This would have significant medium term consequences including:

- A likely increase in violations of road rules and potentially more incidents caused by multiple and high risk offenders; and
- Reduced deterrence for risky and unsafe driver behaviour.

Infringement notices and other penalties such as licence cancellation act as a deterrent to unsafe behaviour. The NSW Government also utilises revenue from camera detected speeding offences for infrastructure safety upgrades through the Community Road Safety Fund. Allowing the regulation to lapse would impact the ability of government to undertake these critical infrastructure upgrades which would have a detrimental impact on road safety outcomes.

In order to enforce road transport legislation, there would be more reliance on the issue of CANs. This would have immediate consequences, including:

- The need to increase the deployment of police and other enforcement officers to issue CANs and to prosecute cases in court; and
- More Local Court business involved with traffic and transport related matters leading to increased waiting times and increased administration costs.

Even with the issue of penalty notices for most offences under road transport legislation, traffic and vehicle registration offences still made up 20% of charge matters dealt with by local courts in 2019.⁸

A number of initiatives in recent years, such as the introduction of penalty notices for low range drink driving, have been implemented to take pressure off NSW Local Courts and to bring such matters to a swifter conclusion:

the introduction of penalty notices for certain drink and drug drive offences should reduce the pressure on the New South Wales court system significantly and support enhanced enforcement. Drink and drug drive offences are among the most common matters dealt with in the NSW Local Court and drug presence offences will increase as mobile testing is expanded to 200,000 tests each year by the end of 2020.⁹

The Department of Justice estimated in 2018 that the introduction of penalty notices for lower range PCA and drug presence offences would represent significant savings to the court system. Statistics for the 2019-20 financial year show that the number of offences for exceed the prescribed content of alcohol considered by the courts decreased significantly.¹⁰ To allow the existing Regulation to lapse would reverse this trend, creating adverse outcomes for the government and the citizens of NSW. 'Traffic offenders' are those who commit one offence in five years and represent

⁷ New South Wales Law Reform Commission, Report 132 Penalty Notices February 2012, p. xv.

⁸ NSW Criminal Courts Statistics 2019, NSW Bureau of Crime Statistics and Research, www.bocsar.nsw.gov.au

⁹ Ibid.

¹⁰ https://www.bocsar.nsw.gov.au/Pages/bocsar_publication/Pub_Summary/CCS-Annual/Criminal-Court-Statistics-Jun-2020.aspx

around 22-23% of drivers at a point in time. Another 53% of drivers are non-offenders.¹¹ However, the impact of road trauma – especially that caused by high risk repeat offenders – is borne by the community as a whole. These effects range from increased congestion and traffic delays through to infrastructure damage and loss of life. A study in 2017, using research from the Bureau of Infrastructure, Transport and Regional Economics in 2009 to calculate the total social cost of road crashes, estimated that social cost of road crashes in Australia for 2016 was \$33.16 billion, with:

- \$9.38 billion in property damage costs;
- \$10.2 billion in fatality costs; and
- \$13.58 billion in injury costs.¹²

In NSW alone, the Centre for Road Safety has estimated that the cost to the community of 2019 road casualties using the Inclusive Willingness to Pay methodology was around \$9.0 billion (2020 dollar values)¹³ Regulation of drivers and vehicles, compliance and enforcement, infrastructure treatments, education and communication are all parts of the framework which keep the impact of road trauma contained at this level.

The overall costs associated with Option 1 – allow the Regulation to lapse – have been assessed as **high**.

BENEFITS

There are few, if any, benefits arising from the option of allowing the existing Regulation to lapse. Under the provisions of the Road Transport Act, TfNSW would still be required to enforce road transport legislation. This would prove challenging without one of its key statutory instruments which supports the other road transport regulations and its most cost effective vehicle: the penalty notice. Without penalty notices leading to the automatic generation of demerit points and ultimately licence sanctions, the Government would lose another highly effective enforcement tool that contributes to the maintenance of positive road safety outcomes.

The overall benefits associated with Option 1 – allow the Regulation to lapse – have been assessed as **low**.

Conclusion

The Road Transport Act cannot operate as intended without a general regulation as it is instrumental in achieving its objectives.

Allowing the existing Regulation to lapse on 1 September 2021 would impact on the enforcement of road transport legislation and result in adverse safety outcomes for all NSW road users. As penalty notices are a cost effective and efficient way to deter unsafe driver behaviour on our roads, removing the ability of the Government to issue these infringements would likely increase fatalities and serious increases.

¹¹ Transport for NSW, NSW Government Submission, NSW Sentencing Council Consultation Paper Repeat Traffic Offenders, February 2019, p.6.

¹² https://www.aaa.asn.au/wp-content/uploads/2018/03/AAA-ECON_Cost-of-road-trauma-summary-report_Sep-2017.pdf

¹³ <https://roadsafety.transport.nsw.gov.au/downloads/crashstats2019.pdf>

This option would undermine the Government's priority to reduce road fatalities and serious injuries to support the longer term aspirational goal of a zero deaths on NSW roads toll, a key initiative of Future Transport 2056.¹⁴ Option 1 – allow the Regulation to lapse – is not the preferred option.

1.10 Option 2 – remake the existing Regulation without change

To remake the existing Regulation without change would continue the operation of all current provisions in the Regulation.

COSTS

Costs would remain largely the same should the existing Regulation be made without change. Relative to Option 3, there would be no cost savings from reductions in red tape and initiatives to modernise the existing Regulation, particularly in relation to pay parking schemes.

The overall costs associated with Option 2 – remake the existing Regulation without amendments – have been assessed as **medium**.

BENEFITS

Unlike Option 1, the framework of regulation underlying the Act would be maintained and the efficient operation of enforcement by way of penalty notice would be continued. However, the benefits that would arise by modernising the existing Regulation, amendments to provisions involving pay parking scheme and the reduction in red tape under the proposed Regulation would not be realised.

The overall benefits associated with Option 2 remake the existing Regulation without amendments – have been assessed as **low**.

1.11 Option 3 – remake the existing Regulation with amendments (the proposed Regulation)

COSTS

Costs are likely to be lower for customers, business and government particularly in relation to pay parking schemes. The provisions in the existing Regulation relating to parking schemes are very prescriptive. Under the existing Regulation, there are subdivisions for metered parking schemes, ticket parking schemes, coupon parking schemes, phone parking schemes, ticket operated loading schemes and special event parking schemes. The existing Regulation also provides individual rules and requirements for each parking scheme.

In addition, TfNSW must approve pay parking devices and any parking authority (including local councils and declared organisations) must seek approval from TfNSW to use an approved pay parking device. These arrangements create an unnecessary regulatory burden.

Reducing the complexity of the rules around pay parking will reduce the cost of administration to government and make payment and compliance easier for drivers.

¹⁴ <https://towardszero.nsw.gov.au/roadsafetyplan>

Removing the need for TfNSW to approve pay parking devices and to authorise local councils and declared organisations to use these devices will reduce costs to local government and declared organisations and remove red tape. It will also simplify enforcement. TfNSW will continue to provide guidelines for councils and declared organisations to assist them in establishing and operating pay parking schemes within their local government areas.

Furthermore, amendments contained in the proposed Regulation will reduce the reliance on written notices and gazettal of guidelines. TfNSW may now publish its pay parking guidelines on its website. Likewise, service of documents relating to mobility parking authorities to individuals and organisations by TfNSW may be made by electronic means, rather than by post.

These changes support the aims of the Future Transport Technology Roadmap 2021-2024 by increasing the use of digital technology to improve customer outcomes. The Roadmap sets out how Transport's technology capabilities will work together to deliver integrated solutions that align with its long-term outcomes for the people of NSW.

The overall costs associated with Option 3 – remake the Regulation with amendments – have been assessed as **low**.

BENEFITS

Benefits from remaking the Regulation with amendments would be realised through a more streamlined regulatory framework where anomalies, repetition and outdated provisions are removed. Apart from the benefits that would accrue from the reduced burden of oversight by TfNSW of pay parking schemes, the proposed Regulation will deliver simpler and more efficient rules for pay parking schemes and controlled loading zones. Rather than taking a prescriptive approach, the amendments in the proposed Regulation are based on a set of principles and would greatly reduce the complexity of the current rules.

It is proposed that payment for parking may be made by a number of methods. Specific terms like 'parking meter' and 'parking ticket machine' have been replaced with a more broadly defined 'pay parking device' concept. Information, such as the number of the vehicle number plate, can be recorded electronically to determine parking time and fees. Clauses that deal with misuse or damage of a pay parking device under the new scheme have been streamlined and broadened to provide additional offences for activities, including cyber security breaches or other fraudulent interference with digital or other parking devices.

Amendments to the mobility parking scheme in the proposed Regulation will reduce the opportunity for permit holders to take advantage of the scheme's benefits if they are no longer eligible for an authority. These changes will improve the integrity of the scheme.

With regard to controlled loading zone schemes, the proposed changes simplify the administration of the former 'ticket operated loading schemes' while making kerb access for goods vehicles more efficient and equitable. The amendments also allow parking authorities to respond to changing operator behaviours and take advantage of evolving technology.

The overall benefits associated with Option 3 – remake the Regulation with amendments – have been assessed as **high**.

Conclusion

After careful appraisal, it is considered that the making of the proposed Regulation (Option 3) is the best option to achieve the objectives of the Road Transport Act and provides benefits to business, road users and the community as a whole. For these reasons, Option 3 – remake the Regulation with changes – is the preferred option.

Discussion of the proposed Regulation

Submissions are welcome on any aspect of the proposed Regulation whether or not it is raised in this RIS. This section of the RIS outlines the structure of the proposed Regulation. Appendix 2 provides an overview of the key changes in the proposed Regulation. Appendix 3 maps the changes in the proposed Regulation against the existing Regulation.

Part 1 Preliminary

Part 1 of the proposed Regulation provides for the name of the regulation, its commencement and that most definitions are found in the Dictionary contained in this regulation.

Part 2 Safety and traffic management

Division 1 Responsibility for certain vehicle use

Part 2, Division 1 of the proposed Regulation sets out the requirements for speed limiting vehicles over 4.5 tonnes GVM and other miscellaneous matters such as use of lights, carriage of dangerous goods, prohibition on lengthy vehicles in central Sydney, and safety provisions for buses.

Division 2 Alcohol and other drug use

Part 2 Division 2 provides in more detail matters referred to in the Road Transport Act in relation to drink and drug driving, including:

- substances prescribed as drugs;
- persons prescribed as sample takers;
- premises prescribed as places drug samples may be taken;
- laboratories for testing; and
- standards for instruments and testing devices.

Division 3 Prescribed traffic control devices

Part 2, Division 3 provides in more detail matters referred to in the Road Transport Act in relation to signs, signals and markings, structures or other devices as 'prescribed traffic control devices'.

TfNSW no longer needs to approve 'pay parking devices' for use by parking authorities.

Division 4 Approved traffic enforcement devices

Part 2, Division 4 provides in more detail matters referred to in the Road Transport Act in relation to approved traffic enforcement devices, including standards for radar and laser based speed measurement devices and specifying security indicators.

Division 5 Child safety

Part 2, Division 5 provides requirements for TfNSW authorised children's crossing schemes to assist children to cross roads and for persons participating in the scheme including equipment.

Part 3 Seizure and impounding of vehicles

Division 1 Interpretation

Part 3, Division 1 provides for definitions of certain terms for the purposes of Part 3.

Division 2 Seizure of vehicles by police officers

Part 3, Division 2 concerns the seizure of vehicles by police officers

Division 3 Seizure of vehicles by council employee in Kings Cross area

Part 3, Division 3 allows for the seizure of vehicles by council employees in Kings Cross area

Division 4 Impounded vehicles

Part 3, Division 4 allows for towing and impounding fees to be charged and the sale of impounded vehicles.

Part 4 Mass, dimension and load requirements for light vehicles and light combinations

This Part provides mass, dimension and load requirements for light vehicles and light combinations. (GVM less than 4.5t). Heavy vehicle mass limits and related matters are regulated under separate legislation. Mass limits no longer need to be marked on 'motor lorries' over 2 tonnes.

Division 1 Preliminary

Division 2 Mass limits for certain motor lorries and certain trailers

Part 4, Division 2 provides for mass limits relating to light vehicles

Division 3 Dimension requirements

Part 4, Division 3 provides dimension requirements for light vehicles

Division 4 Other mass and dimension requirements

Part 4, Division 4 provides for other mass and dimension requirements for light vehicles including mass limits for three-wheeled vehicles.

Division 5 Checking and measuring procedures

Part 4, Division 5 sets requirements and methods for determining wheel loads, axle loads and total mass.

Division 6 Miscellaneous

Part 4, Division 6 provides for the keeping of documents and exemptions in emergencies.

Part 5 Road transportation

Division 1 Monitoring of heavy vehicles and vehicles carrying dangerous goods

Part 5, Division 1 provides in more detail matters referred to in the Act in relation to monitoring of heavy vehicles and vehicles carrying dangerous goods.

Division 2 Speed limiters

Part 5, Division 2 provides in more detail matters referred to in the Act in relation to speed limiting of prescribed heavy vehicles in relation to the manner of limiting speed, modifications and exemptions

Part 6 Pay parking schemes

Provides for the establishment and operation of pay parking schemes, parking fees, duration of pay parking period and other matters in accordance with TfNSW guidelines by parking authorities (councils and organisations declared in Schedule 2).

There are significant changes in this Part (previously Part 5, Division 1). Parking authorities retain the ability to establish and operate schemes. Metered, ticket, coupon and phone parking schemes, however, have been replaced by a more general concept of 'pay parking scheme'. Terms such as 'pay parking space', 'pay parking area' and 'pay parking device' give more flexibility in the operation of such schemes including the ability to use new and emerging technologies. In addition, a new offence provision relating to damage or misuse of pay parking schemes allows for the prosecution of interference by electronic means, such as hacking.

Part 7 Mobility scheme parking authorities

The Mobility Parking Scheme provides parking concessions to people with mobility disability. There are 2 types of permit issued by TfNSW:

- individual (blue card) – issued for 5 years for permanent disability
- temporary (red card) – issued for up to 6 months for a temporary disability.

This Part provides for the issue of scheme authorities including matters relating to the issue and use of authorities, applications, fees, collection and use of information, photographs, evidence of disability, expiry and revocation.

Amendments include:- broadened powers relating to information about eligibility; introducing electronic service and proper use of a scheme authority. A new offence has been created for failure to comply with a notice from TfNSW requesting evidence of eligibility and related matters. In addition, a new clause has been created which will require the holder of an authority, to notify TfNSW within 14 days of any change in details such as address (similar to the requirement relating to a driver licence). The penalty for non-compliance is 20 penalty units.

Part 8 Other parking schemes – parking permits, controlled loading zones and special event parking schemes

Provides for parking permits, controlled loading zones and special event parking areas.

These provisions have been amended, in a similar way to Part 6, to allow more flexibility in terms of payment, terms of use and other matters. The six classes of parking permit, for example, are no longer prescribed in the Regulation but will be provided for in the mandatory permit parking guidelines. The proposed controlled loading zone schemes (formerly ticket operated loading schemes) retain the original policy intent: to support efficient kerbside management in areas of high demand and to ensure fair and equitable access for goods vehicles.

Accordingly, the amendments in the proposed Regulation will:

- Simplify eligible users to drivers of 'goods vehicle' including removing unnecessary references to station wagons and three-wheeled motorcycles; and
- Standardise expiry times to 30 minutes.

These changes will be reflected in the provisions in the Road Rules 2014 relating to general loading zones (RR 179) to ensure consistency and facilitate enforcement.

Like the pay parking schemes outlined in Part 6, parking authorities will administer controlled loading zone schemes directly while TfNSW will issue guidelines concerning the operation and management of schemes. These changes will provide greater freedom and flexibility to respond to the needs of parking authorities as they evolve over time.

Part 9 Compliance and enforcement

Part 9 of the proposed Regulation contains matters relating to the determination of criminal responsibility and penalty notice offences, an important enforcement mechanism in road transport legislation.

Division 1 Criminal responsibility

Part 9 Division 1 provides for matters relating to criminal responsibility among other things under Commonwealth law and certain defences.

Division 2 Penalty notice offences

Part 9 Division 2 provides in more detail matters referred to in the Act in relation to penalty notice offences including the criteria for authorised officers (prescribed in Schedule 4), penalty levels and grace periods for designated parking offences.

Part 10 Appeals

Provides in more detail matters referred to in the Act in relation to appealable decisions in relation to driver licensing, vehicle registration and mobility parking scheme decisions. It also provides for notification of appeal rights, stays, adjournments and how certain appeals may be determined.

Part 11 Miscellaneous

Provides in more detail matters referred to in the Act in relation to service of notices, operation of inconsistent legislation, offences and certain administrative matters including removal of unattended vehicles and number plate confiscation notices.

Provisions relating to the service of notices have been broadened to allow service by electronic means.

Schedules

Schedule 1 Fees

Includes daily storage fees for impounded vehicles, permit application and issue of information from records of TfNSW.

Schedule 2 Declared organisations

Amendments to update areas of operations of declared organisations.

Schedule 3 Substances prescribed as drugs

Includes a schedule of drugs which includes prescription and over the counter drugs prescribed as drugs for the purposes of the definition of 'drug' in the Road Transport Act, s 4 (1).

Schedule 4 Authorised officers

Amendments to authorised officer classes in accordance with administrative changes.

Schedule 5 Penalty notice offences

This Schedule lists penalty notice offences under the Road Transport Act and other legislation. In relation to the penalty amounts, there are generally Consumer Price Index (CPI) adjustments from 1 July each year. The proposed Regulation shows the fees as at 1 July 2020 and these may change with any CPI adjustments in July 2021. The final Regulation made will show the correct amounts prevailing at the time.

Schedule 6 Lower penalty levels for certain parking offences

Lists the councils and universities that have opted to participate in issuing, in accordance with clause 136, lower penalty levels for certain parking offences.

Schedule 7 Amendment of other legislation

Consequential amendments to other legislation including the Road Rules 2014 to ensure consistency with new provisions in the proposed Regulation relating to pay parking schemes and other matters.

Dictionary

Amendments including deletion of terms, amendment of some existing terms and new definitions to allow for the operation of the amended provisions relating to pay parking schemes and related matters.

Appendix 1: List of stakeholders for consultation

The following stakeholders will be notified that the proposed Regulation and this RIS are available for public consultation:

- Local Government NSW
- National Heavy Vehicle Regulator
- Aboriginal Legal Service
- NSW Farmers Association
- Livestock, Bulk and Rural Carriers Association
- Road Freight NSW
- BusNSW
- Australian Logistics Council
- Australian Trucking Association
- Centennial and Moore Park Trust
- Charles Sturt University
- Hunter and Central Coast Development Corporation
- Hunter New England Local Health District
- Macquarie University
- Mid North Coast Local Health District
- Northern NSW Local Health District
- Northern Sydney Local Health District
- NSW Department of Premier and Cabinet
- NSW Treasury
- NSW Health
- NSW Department of Communities and Justice
- Department of Planning, Industry and Environment
- Revenue NSW
- NSW Police Force
- Office of Local Government
- Infrastructure NSW
- Place Management NSW (including Sydney Olympic Park Authority and Royal Botanic Gardens and Domain Trust)*
- Venues NSW*
- Chief Magistrate's Office
- Legal Aid NSW
- TAFE Commission - St George College, Kogarah*
- University of New England*
- University of Newcastle*
- University of NSW*
- University of Sydney*
- University of Technology Sydney*
- Western Sydney University*
- University of Wollongong*
- Western Sydney Local Health District, Westmead Hospital*

*Declared organisations listed in Schedule 2 of the proposed Regulation.

Appendix 2 Summary of changes in the proposed Regulation

The following table sets out the main changes in the proposed Regulation compared with the existing Regulation.

Issue	Existing Regulation	Proposed Regulation
Establishment of pay parking schemes	Parking authorities may establish metered parking schemes, ticket parking schemes, coupon parking schemes, phone parking schemes (clauses 60-81).	Establishes one generic pay parking scheme in place of a number of prescriptive schemes. Allows for setting aside parking spaces, fixing fees and installing pay parking devices (clause 84). TfNSW approval of pay parking devices and subsequent use of these devices by a parking authority is no longer needed. These changes provide greater flexibility in the operation and choice of technology used for pay parking schemes and reduce costs and red tape for local government and declared organisations.
Evidence of payment for parking	Current provisions relate to 'false or damaged' parking tickets or coupons or fraudulent operation of a parking meter (clauses 64, 70, 76).	Replaced with a more general clause in which a person must not falsely represent that the parking fee has been paid (clause 88). Allows evidence of payment to be technology neutral. It has been broadened to capture false or misleading attempts to indicate a fee has been paid in circumstances where a physical ticket is not produced or required.
Duration of parking	Currently a parking ticket takes effect on the date and time it is issued and expires on the date and time specified on the ticket as the date and time of its expiry (clause 69). Likewise, the duration of parking coupons refer to the date and time on the coupon (clause 75), and the date and at the time the parking period is initiated by mobile phone in accordance with the protocols of the provider (clause 80)	This clause introduces the single concept of a 'pay parking period' as a period of time in which a vehicle is authorised to park as a result of the fee being paid. Duration is no longer tied to a ticket, coupon or mobile phone. This recognises payment by other means and where a ticket is not produced (clause 87).
Damage to pay parking devices and loading zone devices.	The existing regulation provides only to misuse and physical damage to parking meters and ticket machines (clauses 64, 71, 92).	A new provision for pay parking schemes creates an offence to 'do anything that interferes with...the proper working of a pay parking device'. This is intended to cover scenarios such as hacking and other forms of electronic interference as well as physical damage (clause 89). Similar changes have been made to provisions relating to loading zone devices (clause 124).

Issue	Existing Regulation	Proposed Regulation
TfNSW guidelines	TfNSW guidelines are established in writing and parking authorities must seek approval for various matters (clause 83).	TfNSW may establish guidelines on a website rather than through Gazettal. While parking authorities must comply with guidelines, approval from TfNSW is no longer necessary for pay parking devices and other matters. This is less onerous for parking authorities, and contributes to the reduction in red tape (clauses 93 and 126).
Parking permits	Six classes of parking permit are prescribed in the Regulation (clause 95).	Types of permits are no longer articulated. Instead, the amended provision allows TfNSW to issue guidelines for the issuing of parking permits (clause 120).
Other parking schemes	'Ticket operated loading schemes' refer to loading zones where a parking fee is payable (clauses 90, 91).	'Controlled loading zone scheme' and 'controlled loading zone device' allows for more flexibility for parking authorities in terms of technology (such as electronic tickets) and operation. This also provides more options for goods vehicle drivers who used these schemes (clauses 121, 122).
Loading zone tickets	Currently there is no time limit on loading zone tickets and the provision distinguishes between expiry times for 'light' and 'heavy' goods vehicles (clause 91).	The amended clause allows for printed and electronic tickets. Duration is standardised at 30 minutes for all goods vehicles (clause 122).
Goods vehicles	<p>'Goods vehicle' is defined in the Dictionary of the Road Rules 2014 as meaning:</p> <p>(a) station wagon, or</p> <p>(b) a vehicle constructed principally for the conveyance of goods.</p> <p>The existing Regulation further distinguishes between 'heavy goods vehicle' and 'light goods vehicle' the latter meaning 'a goods vehicle that comprises a station wagon or a three wheeled motor bike combination' (clause 3 Definitions).</p>	<p>To support the efficient management of the kerbside and to improve the usability of the scheme for drivers, it is proposed to simplify eligible users to drivers of "goods vehicle" by removing unnecessary references to station wagons and three wheeled motorcycles, and standardise expiry times to a maximum of 30 minutes.</p> <p>These amendments to eligible users and expiry times will also be reflected in general loading zones (RR 179) to ensure consistency, avoid confusion for drivers and improve enforceability for parking authorities.</p>
Procedure to obtain a mobility parking scheme authority	Current procedures relate to application forms, fee payment (clause 101).	<p>An applicant who is an individual (as opposed to an application made by a person on behalf of an organisation) is to provide evidence to TfNSW that satisfies the agency that the individual is:</p> <ul style="list-style-type: none"> • A disabled person • A resident of NSW (clause 103).

Issue	Existing Regulation	Proposed Regulation
Eligibility for a mobility parking authority	The current provision allows TfNSW to require the holder of a scheme authority to provide evidence that the authority has not been misused and that if the holder is an individual, that the individual is a disabled person. There is no penalty provision for non-compliance (clause 104).	In a similar way to clause 103, this change will add a requirement concerning evidence of eligibility for an individual in relation to their disability and residency in NSW and that the authority has not been misused. In addition, organisations must provide evidence that they continue to provide conveyance for people with disabilities and that the vehicle is garaged in NSW. There is penalty of 20 penalty units (\$2,200) where an individual or an organisation is found to have misused an authority. This is intended to cut down on fraud and misuse of authorities (clause 106).
Verification of details of holder of mobility parking authority	There is currently no requirement for the holder of a mobility parking scheme authority to notify TfNSW of a change in details including address within 14 days in the same way that the holder of a driver licence or photo card must do so.	A new provision (clause 108) requires an authority holder 14 days to notify TFNSW of a change in the holder's name, address or status as a disabled person. The penalty for non-compliance is 20 penalty units. This will improve the integrity of the data including reducing the opportunity for misuse of authorities.

Appendix 3 Table with comparison of existing Regulation and proposed Regulation

Road Transport (General) Regulation 2013	Retained/repealed/amended	Provision in proposed Road Transport (General) Regulation 2021	Comment
Part 1 Preliminary			
3 Definitions	Amended	Dictionary	Deleted terms, amended terms and new definitions.
Part 2 Road transport legislation			
6 Service of notices on persons under driver licensing law	Retained	154 Service of notices on persons and delivery of things to TfNSW under driver licensing law	
7 Service of notices on persons under vehicle registration law	Amended	155 Service of notices on registered operators and delivery of things under vehicle registration law	Clause 7 of the current regulation has been divided into two parts to simplify the provisions. These are clauses 155 and a new clause at 156 to provide for the date of effecting service which also covers notices under clause 154 relating to driver licensing law.
8 Notices to unincorporated associations in connection with mobility parking scheme authorities	Amended	158 Service of documents under Part 7 – mobility parking scheme authorities	Clause 158 retains the existing clause 8 provisions and has been updated to allow new provisions relating to service of notice by electronic means to individuals or organisations.
9 Royal Botanic Gardens and Domain Trust Act 1980	Retained	159 Royal Botanic Gardens and Domain Trust Act 1980	
10 Local Government Act 1993	Retained	160 Local Government Act 1993	
Part 3 Safety and traffic management		Part 2 Safety and traffic management	

Road Transport (General) Regulation 2013	Retained/repealed/amended	Provision in proposed Road Transport (General) Regulation 2021	Comment
Responsibility for certain vehicle use			
11 Causing, permitting or allowing certain 4.5 tonne vehicles and combinations to be driven in excess of 100 km/h	Retained	4 Causing, permitting or allowing certain 4.5 tonne vehicles and combinations to be driven in excess of 100 km/h	
12 Use of vehicle that drops waste oil or grease	Retained	5 Use of vehicle that drops waste oil or grease	
13 Use of motor bike sidecars	Retained	6 Use of motor bike sidecars	
14 Number of vehicles that may be drawn together	Amended	7 Number of vehicles that may be drawn together	Amended to no longer apply to the driver of the vehicle.
15 Use of lights on vehicles generally	Retained	8 Use of lights on vehicles generally	
16 Use of crimson flashing warning lights on certain council vehicles	Retained	9 Use of crimson flashing warning lights on certain council vehicles	
17 Use of lights on stationary vehicles	Retained	10 Use of lights on stationary vehicles	
18 Carriage of dangerous goods in prohibited areas	Retained	11 Carriage of dangerous goods in prohibited areas	
19 Use of lengthy vehicles in central Sydney and on certain other roads	Retained	12 Use of lengthy vehicles in central Sydney and on certain other roads	
20 Prohibition on car minding	Retained	13 Prohibition on car minding	

Road Transport (General) Regulation 2013	Retained/repealed/amended	Provision in proposed Road Transport (General) Regulation 2021	Comment
21 Inspection of driver licences by responsible persons	Amended	14 Inspection of driver licences by responsible persons	Driver licence defined to include Australian driver licence or a foreign driver licence.
22 Responsible person's consent	Retained	15 Responsible person's consent	
23 Parents not to cause or permit children to drive on roads	Retained	16 Parents not to cause or permit children to drive on roads	
24 School buses	Retained	17 School buses	
25 Warning signs and lights for school buses	Retained	18 Warning signs and lights for school buses	
26 Safety provisions for buses first registered on or after 1 August 1997	Amended	19 Safety provisions for buses first registered on or after 1 August 1997	Clarified to apply to buses registered within NSW on or after 1 August 1997 or have been used on or after that date to ensure maintenance of safety standards.
27 Door requirements for buses registered before 1 August 1997	Amended	20 Door requirements for buses registered before 1 August 1997	Clarified to apply to a bus that was first registered in NSW before 1 August 1997.
Alcohol and other drug use			
28 Substances prescribed as drugs for the purposes of the definition of "drug" in section 4(1) of Act	Retained	21 Substances prescribed as drugs for the purposes of the definition of "drug" in the Act, section 4(1)	
28A Persons prescribed as authorised sample takers	Retained	22 Persons prescribed as authorised sample takers	
29 Premises, institutions and establishments prescribed for the purposes of Schedule 3 to Act	Retained	23 Premises, institutions and establishments prescribed for the purposes of the Act, Schedule 3	

Road Transport (General) Regulation 2013	Retained/repealed/amended	Provision in proposed Road Transport (General) Regulation 2021	Comment
30 Analysis of oral fluid, blood and urine samples—prescribed laboratory	Retained	24 Analysis of oral fluid, blood and urine samples—laboratory prescribed	
31 Standards for approved oral fluid analysing instruments and testing devices	Retained	25 Standards for approved oral fluid analysing instruments and testing devices	
Prescribed traffic control devices			
32 Devices that are prescribed for the purposes of section 121 of Act	Amended	26 Devices that are prescribed for the purposes of the Act, section 121	32(1)(c) requires TfNSW to approve pay parking devices. As this creates an unnecessary regulatory burden on councils it is deleted.
33 Offence—preventing traffic control device from being clearly observed	Retained	27 Offence—preventing traffic control device from being clearly observed	
34 Offence—displaying “do not overtake turning vehicle sign” on vehicles less than 7.5 metres long	Retained	28 Offence—displaying “do not overtake turning vehicle sign” on vehicles less than 7.5 metres long	
Approved traffic enforcement devices			
35 Testing and security indicators for approved traffic enforcement devices	Retained	29 Testing and security indicators for approved traffic enforcement devices	
36 Public transport lane offences	Retained	30 Public transport lane offences	

Road Transport (General) Regulation 2013	Retained/repealed/amended	Provision in proposed Road Transport (General) Regulation 2021	Comment
Child Safety 37 Schemes to assist children to cross roads	Retained	31 Schemes to assist children to cross roads	
		Part 3 Seizure and impounding of vehicles	New Part
Seizure of certain vehicles			
38 Definitions	Retained	32 Definitions	
39 When police officers may seize motor vehicles or trailers	Retained	33 When police officers may seize motor vehicles or trailers	
40 Where seized vehicle to be kept	Retained	34 Where seized vehicle to be kept	
41 Commissioner of Police to notify responsible person of seizure	Retained	35 Commissioner of Police to notify responsible person of seizure	
42 Conditions for release of a seized vehicle	Amended:	36 Application for release of seized motor vehicle or trailer	Two separate clauses have been created to provide clarity around the procedures around the application for the release of vehicles seized by Police and how these vehicles may be disposed of (new clause 37).
		37 Disposal or destruction of seized motor vehicle or trailer	As above.
43 When council employees may seize motor vehicles or trailers	Retained	38 When council employees may seize motor vehicles or trailers	
44 Where seized vehicle to be kept	Retained	39 Where seized vehicle to be kept	
45 Enforcement officer to notify Authority	Retained	40 Enforcement officer to notify Authority	

Road Transport (General) Regulation 2013	Retained/repealed/amended	Provision in proposed Road Transport (General) Regulation 2021	Comment
46 Enforcement officer to notify responsible person of seizure	Retained	41 Enforcement officer to notify responsible person of seizure	
47 Applications for the release of seized vehicles	Amended: two separate clauses	42 Applications for the release of seized motor vehicle or trailer	Two separate clauses have been created to provide clarity around the procedures around the application for the release of vehicles seized by council employees and how these vehicles may be disposed of (new clause 43).
		43 Disposal or destruction of seized motor vehicle or trailer in accordance with direction of Commissioner of Police	As above.
Impounded vehicles			
48 Impounding fee	Retained	44 Impounding fee	
49 Towing fee for impounded vehicles	Amended: two separate clauses.	45 Towing fee for impounded vehicles	Two separate clauses have been created to provide clarity around the procedures around the circumstances in which towing fees are payable (new clause 46).
		46 Exceptions to towing fee	As above.
50 Disposal of impounded vehicles or vehicles forfeited to the Crown	Amended	47 Notice of sale of impounded vehicle or vehicles forfeited to the Crown	New title (formerly clause 50 of Part 3). Method of service of notice amended.
		48 Offer for sale of impounded vehicle or vehicles forfeited to the Crown	New clause derived from clause 50 of Part 3.
		49 Application of balance of proceeds of sale	New clause derived from clause 50 of Part 3.

Road Transport (General) Regulation 2013	Retained/repealed/amended	Provision in proposed Road Transport (General) Regulation 2021	Comment
Part 3A Mass, dimension and load requirements for light vehicles and light combinations		Part 4 Mass dimension and load requirements for light vehicles and light combinations	
50A Application of Part	Retained	50 Application of Part	
50B Definitions	Retained	51 Definitions	
50C Use of vehicle in contravention of dimension, mass or load restraint requirements	Retained	52 Use of vehicle in contravention of dimension, mass or load restraint requirements	
Mass limits for certain motor lorries and certain trailers			
50D Definitions	Retained	53 Definitions	
50E Application of Division	Retained	54 Application of Division	
50F Mass limit not to be exceeded	Retained	55 Mass limit not to be exceeded	
50G Mass limits to be marked on motor lorries over 2 tonnes (except trailers)	Repealed		50G requires mass limits to be marked on motor lorries over 2 tonnes. This requirement was removed for heavy vehicles under the Heavy Vehicle National Law.
50H Mass limits for motor lorries (except existing motor lorries)	Retained	56 Mass limits for motor lorries (except existing motor lorries)	
50I Mass limits for existing motor lorries	Retained	57 Mass limits for existing motor lorries	

Road Transport (General) Regulation 2013	Retained/repealed/amended	Provision in proposed Road Transport (General) Regulation 2021	Comment
50J Determination of different mass limits	Amended	58 Determination of different mass limits	Reference to owner replaced by 'responsible person for the motor lorry'.
50K Authority may require information or certificate	Amended	59 TfNSW may require information or certificate	Amended to reflect provision at 59.
Dimension requirements			
50L Projection of loading or equipment of vehicles	Retained	60 Projection of loading or equipment of vehicles	
50M Exemption by notice in Gazette	Retained	61 Exemption by notice in Gazette	
50N Exemption by permit	Retained	62 Exemption by permit	
Other mass and dimension requirements			
50O Special mass limits	Amended	63 Special mass limits	Reference to owner replaced by 'responsible person for the motor lorry'.
50P Mass limits for three-wheeled vehicles	Retained	64 Mass limits for three-wheeled vehicles	
50Q Lower limit to apply if multiple mass requirements	Retained	65 Lower limit to apply if multiple mass requirements	
50R Load requirements	Retained	66 Load requirements	
50S Driver to have sufficient control	Retained	67 Driver to have sufficient control	
Checking and measuring procedures			

Road Transport (General) Regulation 2013	Retained/repealed/amended	Provision in proposed Road Transport (General) Regulation 2021	Comment
50T Method of determining wheel loads	Retained	68 Method of determining wheel loads	
50U Method of determining axle loads	Retained	69 Method of determining axle loads	
50V Method of determining total mass	Retained	70 Method of determining total mass	
50W Weighing devices	Retained	71 Weighing devices	
50X Keeping documents	Retained	72 Keeping documents	
50Y Exemptions in emergencies	Amended	73 Exemptions in emergencies	Reference to owner replaced by 'responsible person for the vehicle'.
Part 4 Road Transportation	Amended	Part 5 Road Transportation	New Part
Monitoring of heavy vehicles and vehicles carrying dangerous goods			
51 Vehicles to which Part 6.1 of Act applies (in addition to vehicles carrying dangerous goods)	Retained	74 Vehicles to which the Act , Part 6.1 applies (in addition to vehicles carrying dangerous goods)	
52 Prescribed officers for the purposes of Part 6.1 of Act	Retained	75 Prescribed officers for the purposes of the Act, Part 6.1	
53 Manner of approval of aspects of data recording and related matters	Retained	76 Manner of approval of aspects of data recording and related matters	
54 Accessories to contravention of Part 6.1 of Act	Retained	77 Accessories to contravention of the Act, Part 6.1	

Road Transport (General) Regulation 2013	Retained/repealed/amended	Provision in proposed Road Transport (General) Regulation 2021	Comment
55 Manner of granting exemptions	Retained	78 Manner of granting exemptions	
Speed limiters			
56 Application of Part 6.2 of the Act	Retained	79 Application of the Act, Part 6.2	
57 Manner of limiting speed	Retained	80 Manner of limiting speed	
58 Modifications	Retained	81 Modifications	
		82 Authorised person for certification of speed limiter compliance	New clause.
59 Exemptions	Retained	83 Exemptions	
Part 5 Parking Schemes		Part 6 Pay parking schemes	New part.
Pay parking schemes	Amended	Division 1 Operation of pay parking schemes	The pay parking scheme provisions have been restricted to reduce the complexity of the current regulatory framework and allow a range of technologically neutral solutions to be adopted for payment, ticketing and enforcement.
		84 Establishment of pay parking schemes	New clause. Parking authority may establish method of payment. TfNSW no longer needs to approve method of payment of parking fees.
		85 Pay parking fees	New clause.
		86 Requirements for pay parking space, area or device	New clause.
		87 Duration of pay parking period	New clause.
		88 Evidence of payment of parking fee	New clause.
		89 Damage to or misuse of pay parking devices	New clause.

Road Transport (General) Regulation 2013	Retained/repealed/amended	Provision in proposed Road Transport (General) Regulation 2021	Comment
		90 Temporary closure of pay parking space or pay parking area	New clause.
	Retained	91 Trailers not separately chargeable	
60 Metered parking schemes	Repealed		No longer required with restructure of the pay parking scheme provisions to provide a more agile and flexible framework.
61 Metered parking areas	Repealed		As above.
62 Parking meters	Repealed		As above.
63 Misuse of parking meters	Repealed		As above.
64 Damage to parking meters	Repealed		As above.
65 Temporary closure of metered parking spaces	Repealed		As above.
66 Ticket parking schemes	Repealed		As above.
67 Parking ticket machines	Repealed		As above.
68 Parking tickets	Repealed		As above.
69 Duration of parking tickets	Repealed		As above.
70 Use of false or damaged parking tickets	Repealed		As above.
71 Misuse of ticket machines	Repealed		As above.
72 Temporary closure of ticket parking areas and spaces	Repealed		As above.

Road Transport (General) Regulation 2013	Retained/repealed/amended	Provision in proposed Road Transport (General) Regulation 2021	Comment
73 Coupon parking schemes	Repealed		As above.
74 Parking coupons	Repealed		As above.
75 Duration of parking coupons	Repealed		As above.
76 Use of false or damaged parking coupons	Repealed		As above.
77 Temporary closure of coupon parking areas and spaces	Repealed		As above.
78 Phone parking schemes	Repealed		As above.
79 Display of information relating to phone parking	Repealed		As above.
80 Duration of parking in phone parking areas and spaces	Repealed		As above.
81 Temporary closure of phone parking areas and spaces	Repealed		As above.
Miscellaneous			
82 Councils' common pay parking schemes	Retained	91 Councils' common pay parking schemes	
83 TfNSW guidelines and approval	Amended	92 TfNSW guidelines; 126	Allows TfNSW guidelines to be published on its website rather than 'by written order'.
84 Other powers to provide pay parking	Retained	94 Other powers to provide pay parking	
85 Overlapping schemes	Amended	95 Overlapping schemes	References to coupon parking areas and other terms removed.

Road Transport (General) Regulation 2013	Retained/repealed/amended	Provision in proposed Road Transport (General) Regulation 2021	Comment
86 Application of money from parking	Retained	96 Application of money from parking	
87 Disputes	Retained	97 Disputes	
88 Trailers not separately chargeable	Amended	91 Trailers not separately chargeable	Amended to provide that a separate charge does not apply if the trailer remains attached to the vehicle when the vehicle is parked.
89 Powers of police in emergency	Retained	98 Powers of police in emergency or obstruction or danger to traffic	
Other parking schemes- ticket operated		Now: Controlled loading zone schemes	
90 Ticket-operated loading schemes	Amended	121 Controlled loading zone schemes	Generic, technology neutral including 'loading zone devices'.
91 Loading zone tickets	Amended	122 Form and duration of loading zone ticket	Loading zone tickets may be electronic.
92 Loading zone ticket machines and misuse of loading zone tickets	Amended	Retitled, new clauses 123 Evidence of lawful use of controlled loading zone 124 Damage to and misuse of controlled loading zone device	Amended to remove references to heavy and light goods vehicles and to include generic wording about 'falsely representing' that a vehicle is legally parked. Damage to loading zone devices includes interference with the proper working of a loading zone device (which may include hacking) as well as damage and defacement.
93 Temporary closure of ticket-operated loading zones	Retained	125 Temporary closure of controlled loading zone	Controlled loading zone instead of ticket operated.
Other parking schemes - Special event parking schemes			
94 Special event parking schemes	Retained	127 Special event parking schemes	

Road Transport (General) Regulation 2013	Retained/repealed/amended	Provision in proposed Road Transport (General) Regulation 2021	Comment
Part 6 Parking permits and mobility parking scheme authorities		Part 7 Mobility parking scheme authorities	
Parking permits			
95 Parking permits	Amended	120	Amended to remove references to classifications of permits, specifications on permits and designations for use. Amendment of terms such as parking space and parking area.
Mobility parking scheme authorities			
96 Definitions	Retained	99 Definitions	
Issue of scheme authorities			
97 TfNSW may issue mobility parking scheme authorities	Retained	100 TfNSW may issue mobility parking scheme authorities	
98 Form of scheme authority	Retained	101 Form of scheme authority	
99 Conditions of scheme authorities	Retained	113 Conditions of scheme authorities	
100 When scheme authority ceases to be in force	Retained	102 When scheme authority ceases to be in force	
101 Procedure to obtain scheme authority	Amended	103 Procedure to obtain scheme authority	Expanded to provide more proof of identity (including residence) and disability for individuals and organisations.
102 Fees for applications for scheme authorities	Retained	104 Application fees	

Road Transport (General) Regulation 2013	Retained/repealed/amended	Provision in proposed Road Transport (General) Regulation 2021	Comment
103 Surrender of current or expired scheme authority if new authority obtained	Retained	105 Surrender of current or expired scheme authority if applying for new authority	
		Collection and use of information	
104 Information about eligibility for and use of scheme authority	Amended	106 Information about eligibility for and use of scheme authority	Amended to provide additional evidence and to add a penalty of 20 penalty units for misuse etc. for non-compliance.
105 Evidence of disability	Retained	107 Evidence of disability	
		108 Change and verification of details of scheme authority holder	New clause. Notification of change of name, residential address, and change in disability must be provide to TfNSW within 14 days. Fine of 20 penalty units for non-compliance.
106 Information collected under Subdivision	Retained	109 Information collected under Division 3 or 4	
Photographs			
107 TfNSW may require the taking of photographs	Retained	110 TfNSW may require the taking of photographs	
108 Purposes for which photographs may be kept and used	Retained	111 Purposes for which photographs may be kept and used	
109 Release of photographs prohibited	Retained	112 Release of photographs prohibited	
Use of scheme authorities			
110 Relaxation of parking restrictions	Repealed		
111 Improper use of scheme authorities	Retained	114 Improper use of scheme authorities	

Road Transport (General) Regulation 2013	Retained/repealed/amended	Provision in proposed Road Transport (General) Regulation 2021	Comment
112 Reproducing, copying, defacing, altering or destroying scheme authorities	Retained	115 Reproducing, copying, defacing, altering or destroying scheme authorities	
113 Return of scheme authorities issued to individuals who have ceased to be disabled persons	Retained	116 Return of scheme authorities	
114 Production and confiscation of scheme authorities	Retained	117 Production and confiscation of scheme authorities	
Expiry and revocation of scheme authorities		Division 7	
115 Expiry of scheme authorities	Retained	118 Expiry of scheme authorities	
116 Revocation of scheme authorities	Amended	119 Revocation of scheme authorities	To permit TfNSW to issue a notice that advises that the holder will no longer be authorised to hold a scheme authority and that, failure to return a scheme authority will incur a fine of 20 penalty units.
		Part 8 Other parking schemes – parking permits, controlled loading zones and special event parking schemes	
		Division 1 Parking Permits	
		120 Parking permits	Former clause 95 amended to remove different kinds of permit.
		Division 2 Controlled loading zone schemes	

Road Transport (General) Regulation 2013	Retained/repealed/amended	Provision in proposed Road Transport (General) Regulation 2021	Comment
		121 Controlled loading zone schemes	Amended to simplify the administration of the former 'ticket operated loading schemes' and to provide for use of new technologies in this regard.
		122 Form and duration of loading zone ticket	Former clause 91 with amendments to allow evidence of lawful use of a loading zone by means other than a printed ticket.
		123 Evidence of lawful use of controlled loading zone	Former clause 92 but amended to include other means of falsely representing lawful use of the loading zone.
		124 Damage to and misuse of controlled loading zone device	Former clause 92 amended. See above.
		125 Temporary closure of controlled loading zone	Former clause 93 amended. See above.
		126 TfNSW guidelines	Former clause 83 amended to remove reference to guidelines being issued by written order.
		Division 3 Special event parking schemes	
		127 Special event parking schemes	Former clause 94.
Part 7 Compliance and enforcement	Retained	Part 9 Compliance and enforcement	New Part.
Criminal responsibility			
117 Determination of criminal responsibility	Retained	128 Determination of criminal responsibility	
118 Operation of Crimes (Sentencing Procedure) Act 1999 not affected	Retained	129 Operation of Crimes (Sentencing Procedure) Act 1999 not affected	

Road Transport (General) Regulation 2013	Retained/repealed/amended	Provision in proposed Road Transport (General) Regulation 2021	Comment
119 No double jeopardy for offence against this Regulation and the Road Rules 2014	Retained	130 No double jeopardy for offence against this Regulation and the Road Rules 2014	
120 Prescribed ground of exculpation in relation to average speed detection: section 129(2) of Act	Retained	131 Prescribed ground of exculpation in relation to average speed detection -- the Act, section 129(2)	
Penalty notice offences			
121 Definitions	Retained	132 Definitions	
122 Penalty notice offences	Retained	133 Penalty notice offences	
122A Authorised officers of councils and declared organisations	Retained	133 Penalty notice offences	Incorporated in clause 133 to simplify the provisions relating to the functions of authorised officers who may issue penalty notices.
123A Penalty levels for certain camera recorded offences	Retained	135 Penalty levels for certain camera recorded offences	
123 Penalty levels	Retained	134 Penalty levels	
123B Lower penalty levels for certain parking offences dealt with by penalty notice	Amended	136 Lower penalty levels for certain parking offences dealt with by penalty notice	References to authorised officer numbers changed.
123C Grace period for certain parking offences	Amended	137 Grace period for certain parking offences	Removes reference to penalty notices issued before 1 January 2019 as it was only introduced to cover the transition period from the introduction of the grace period provisions at that time. Bicycle lane included in definition of prescribed parking control sign to align with provisions for other prescribed signs (e.g. bus, transit, clearways etc.)

Road Transport (General) Regulation 2013	Retained/repealed/amended	Provision in proposed Road Transport (General) Regulation 2021	Comment
124 Offence—unlawful destruction of penalty notices	Retained	138 Offence—unlawful destruction of penalty notices	
Part 8 Appeals		Part 10 Appeals	New Part.
125 Definitions		139 Definition	
Additional appealable decisions			
126 Driver licensing decisions	Retained	140 Driver licensing decisions	
127 Vehicle registration decisions	Retained	141 Vehicle registration decisions	
128 (Repealed)	-		
129 (Repealed)	-		
130 Mobility parking scheme decisions	Retained	142 Mobility parking scheme decisions	
131 Decisions excluded from definition of “appealable decision”	Amended	143 Exclusions from definition of ‘appealable decision’	Amended by the Road Transport Legislation Amendment (Offensive Advertising) Regulation 2021 to include a decision to cancel a registration for offensive advertising as one that cannot be appealed. In addition, failure to return number plates under cl 32 of the Road Transport (Vehicle Registration) Regulation 2017 has been included.
Notification of appeal rights and giving of reasons concerning driver licensing decisions			
132 Definition	Amended	144 Preliminary	Amended to reflect the new title at 144

Road Transport (General) Regulation 2013	Retained/repealed/amended	Provision in proposed Road Transport (General) Regulation 2021	Comment
133 Notification of appeal rights with respect to certain driver licensing decisions	Retained	145 Notification of appeal rights with respect to certain driver licensing decisions	
134 Affected driver entitled to be given reasons on request	Retained	146 Application for reasons for decision	
Stays and adjournments			
135 Certain decisions stayed pending appeal	Retained	147 Certain decisions stayed pending appeal	
135A Certain decisions stayed only in exceptional circumstances	Retained	148 Certain decisions stayed only in exceptional circumstances	
136 Adjournment of certain proceedings	Retained	149 Adjournment of certain proceedings	
Determination of certain appeals			
137 Additional matters that Local Court may take into account in suspension notice appeals	Amended	150 Appeals against suspension of registration	Current subclause (b) removed as it is a redundant reference to a suspension warning notice that is no longer issued.
138 Document that may be used in examiner's and proprietor's authorities appeals	Retained	151 Document that may be used in examiner's and proprietor's authorities appeals	
139 Determination of driver licence suspension appeals involving death or grievous bodily harm	Retained	152 Determination of driver licence suspension appeals involving death or grievous bodily harm	

Road Transport (General) Regulation 2013	Retained/repealed/amended	Provision in proposed Road Transport (General) Regulation 2021	Comment
Part 9 Miscellaneous	Amended	Part 11 Miscellaneous	New Part
		Special service requirements	
		153 Application of Division	New clause relating to special service requirements under driver licensing and vehicle registration law.
		154 Service of notices on persons and delivery of things to TfNSW under driver licensing law	Formerly clause 6, of Part 2 of the current regulation but date of service now located in new clause 156 of Part 11.
		155 Service of notices on registered operators and delivery of things to TfNSW under vehicle registration law.	Formerly clause 7, of Part 2 of the current regulation amended to distinguish between registered operators who are individuals and those which are corporations etc.
		156 Date of effecting service	New clause derived from clauses 6 and 7 of Part 2 of the current regulation.
		157 Forwarding, surrendering or delivering notification, document or thing to TfNSW	New clause derived from clauses 6 and 7 of Part 2 of the current regulation.
		158 Service of documents under part 7 – mobility parking scheme authorities	Formerly clause 8 of Part 2 of the current regulation. Includes new provisions relating to the service of notices to individuals as well as organisations including amendments relating to electronic communications.
		Operation of inconsistent legislation	
		159 Royal Botanic Gardens and Domain Trust 1980	Formerly clause 9 of Part 2 of the current regulation
		160 Local Government Act 1993	Formerly clause 10 of Part 2 of the current regulation
140 Delegation of TfNSW's licensing and registration functions	Retained	171 Delegation of TfNSW's licensing and registration functions	

Road Transport (General) Regulation 2013	Retained/repealed/amended	Provision in proposed Road Transport (General) Regulation 2021	Comment
141 Fees for information from records of TfNSW	Retained	170 Fees for information from records of TfNSW	
143 Removal of unattended vehicles: section 143	Amended	168 Removal of unattended vehicles	Bicycle lanes added.
144 Removal of dangers and obstructions to traffic	Amended	167 Certificate as to costs incurred in removal of dangers and obstructions to traffic – the Act, section 142	Amended to reflect new title at 167.
144A Number-plate confiscation notices	Retained	169 Number-plate confiscation notices - section 237	
		Division 3 Offences and other matters relating to offences	Retains certain provisions of Part 9 of the current regulation.
142 Prescribed speeding offences	Amended	164 Prescribed speeding offences	Subclause (b) deleted as section 216 of the Act was previously repealed.
145 Offence—failure to comply with order, notice, direction, requirement or request	Retained	161 Offence—failure to comply with order, notice, direction, requirement or request	
146 Offence—false or misleading information	Retained	162 Offence—false or misleading information	
147 Certain provisions not to apply to light rail vehicles	Retained	166 Certain provisions not to apply to light rail vehicles	
148 Mass requirements on certain roads and bridges	Retained	163 Mass requirements on certain roads and bridges	
149 Limitation period for certain offences	Retained	165 Limitation period for certain offences	

Road Transport (General) Regulation 2013	Retained/repealed/amended	Provision in proposed Road Transport (General) Regulation 2021	Comment
		172 Savings and repeal of Road Transport (General) Regulation 2013	Includes table explaining amended classes for authorised officers.
		173 Repeal of Schedule 7	Repeals Schedule 7 the day following the commencement of the Regulation.
		Dictionary	Formerly clause 3 Definitions. Some additions, deletions and amendments to definitions relating to pay parking schemes- including goods vehicle definitions – and other matters.
Schedule 1 Fees			
Schedule 2 Declared organisations	Amended		Updates areas of operations of declared organisations.
Schedule 3 Substances prescribed as drugs	Retained		
Schedule 4 Authorised officers	Amended		Amendments to authorised officer classes in accordance with administrative changes.
Schedule 5 Penalty notice offences	Amended		Minor amendments to reflect changes to authorised officers as noted above.
Schedule 5A Lower penalty levels for certain parking offences	Retained.	Schedule 6	
Schedule 6 – Savings and transitional provisions	Amended	172 Savings and repeal of Road Transport (General) Regulation 2013	Clause 172 now contains the existing repeal and savings provisions and is amended to include savings and transitional provisions when the 2021 regulation replaces the current 2013 regulation.
		Schedule 7 Amendment of other legislation	Updates references to the Regulation in other legislation. Makes changes to Road Rules 2014 to provide for amendments to a controlled loading zone and other matters.

