

## **Transport Regulations Amendment (Road Traffic) Regulations (No. 2) 2020**

SL 2020/231

Made by the Governor in Executive Council.

### **Part 1 — Preliminary**

**1. Citation**

These regulations are the *Transport Regulations Amendment (Road Traffic) Regulations (No. 2) 2020*.

**2. Commencement**

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Road Traffic Amendment (Immobilisation, Towing and Detention of Vehicles) Act 2020* section 6 comes into operation.

### **Part 2 — Road Traffic (Administration) Regulations 2014 amended**

**3. Regulations amended**

This Part amends the *Road Traffic (Administration) Regulations 2014*.

**4. Regulation 14 amended**

In regulation 14(1) in the Table:

- (a) before the item for the *Road Traffic (Administration) Act 2008* Pt. 4 insert:

<i>Road Traffic Act 1974</i> s. 102	Request copy of towing arrangement
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- (b) in the item for the *Road Traffic (Administration) Act 2008* s. 79 after “26” insert:

or 26A

**5. Regulation 15 amended**

In regulation 15 delete “other than the *Road Traffic Act 1974*.” and insert:

other than an offence to which section 105(1) applies.

**6. Regulation 21 amended**

In regulation 21 in the Table after the item for s. 47(4) insert:

s. 61C(4)	Failure to comply with direction under s. 61C(1)	5
s. 61D(2)	Failure to comply with direction under s. 61D(1)	5
s. 61D(3)	Providing false or misleading information in purported compliance with direction under s. 61D(1)	10
s. 61E(3)	Failure to comply with direction under s. 61E(1)	5
s. 71(5A)	Acting in contravention of RTA Part 6A embargo notice	10
s. 71(7A)	Failure to prevent action in contravention of RTA Part 6A embargo notice	10

**7. Regulation 23 amended**

In regulation 23(2) at the end of the Table insert:

s. 95(1)	Immobilising parked motor vehicle	20
s. 97(1)	Towing parked motor vehicle without satisfying requirements	10
s. 97(4)	Controller of premises giving false or misleading information to tow truck driver	10
s. 99(2)	Failure to release vehicle that is being loaded onto tow truck	10
s. 100(2)	Failure to inform person that vehicle will be released on payment of on-site release charge	10
s. 100(3)	Failure to release vehicle on payment of on-site release charge	10
s. 100(4)	Stating amount for on-site release charge that exceeds prescribed maximum	10
s. 100(5)	Imposing further towing charges after release of vehicle following payment of on-site release charge	10
s. 101	Failure to tow vehicle by most direct route to approved storage yard	4
s. 102(2)	Failure to give copy of towing arrangement	10

s. 102(4)	Failure to ensure persons are given or have access to towing arrangement	4
s. 103(2)	Failure to release vehicle from storage yard	10
s. 105(1)	Imposing towing charges in excess of prescribed maximum	4
s. 105A(1)	Imposing storage charges in excess of prescribed maximum	4
s. 105E(1)	Detaining parked motor vehicle	10

#### 8. Regulation 24 amended

In regulation 24(1) in the Table after the item for the *Road Traffic (Authorisation to Drive) Regulations 2014* insert:

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#### 9. Regulation 26A inserted

After regulation 26 insert:

#### 26A. Offences for which infringement notices may be served by transport investigation wardens

For regulation 14(1) in relation to serving infringement notices for offences prescribed for the purposes of section 79, an offence under a provision of a road law mentioned in the Table is an offence for which an infringement notice may be served by a transport investigation warden.

**Table**

Road law	Provision
<i>Road Traffic Act 1974</i>	s. 95(1), 97(1), 97(4), 99(2), 100(2), 100(3), 100(4), 100(5), 101, 102(2), 102(4), 103(2), 105(1), 105A(1), 105E(1)

Road law	Provision
<i>Road Traffic (Administration) Act 2008</i>	s. 61C(4), 61D(2), 61D(3), 61E(3), 71(5A), 71(7A)
<i>Road Traffic (Towing of Vehicles) Regulations 2020</i>	Pt. 2

**10. Regulation 28 amended**

- (1) In regulation 28(1) and (2) delete “1974” and insert:

*1974*, other than an offence under Part 6A of that Act or under the *Road Traffic (Towing of Vehicles) Regulations 2020*,

- (2) In regulation 28(3):

- (a) delete “other than the *Road Traffic Act 1974*”;
- (b) delete paragraph (a)(i) to (vi) and insert:

- (i) Executive Director, Drivers and Vehicles;
- (ii) Director, Governance and Intelligence;
- (iii) Compliance Services Manager;
- (iv) Investigation and Integrity Services Manager;
- (v) Manager, Quality Assurance;
- (vi) Manager, Risk and Business Intelligence;
- (vii) Manager, Risk and Audit;

- (3) In regulation 28(4) delete “other than the *Road Traffic Act 1974*”.

- (4) After regulation 28(4) insert:

- (5) A reference in subregulation (3) or (4) to an offence under a road law does not include an offence under the *Road Traffic Act 1974*, other than an offence under Part 6A of that Act or under the *Road Traffic (Towing of Vehicles) Regulations 2020*.

**11. Regulation 34A inserted**

At the end of Part 9 insert:

**34A. Review of decisions under *Road Traffic Act 1974*  
s. 104(3)**

A person affected by a decision of the CEO to grant, or refuse to grant, an approval under the *Road Traffic Act 1974* section 104(3) may apply to the State Administrative Tribunal for a review of the decision.

**12. Schedule 1 amended**

In Schedule 1:

- (a) delete “s. 55 including those in s. 53(5) and 54(8).” and insert:

[s. 55 including those in s. 53(5) and 54(8)] / [s. 61B including those in s. 55 that apply under s. 61B(6)].<sup>1A</sup>

- (b) delete note 1 and insert:

1A. Delete as appropriate.

1. State the address or geographical location of the premises as defined in the Act s. 55(1) or 61B(1) (as relevant) to be entered.

**Part 3 — *Road Traffic (Vehicles) Regulations 2014*  
amended**

**13. Regulations amended**

This Part amends the *Road Traffic (Vehicles) Regulations 2014*.

**14. Regulation 422 amended**

After regulation 422(3) insert:

- (4) Subregulation (3) does not apply to the delivery up of a vehicle if the *Road Traffic Act 1974* Part 6A Division 3 or 4 applies to require the delivery.

V. MOLAN, Clerk of the Executive Council.

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