

First print



New South Wales

# Road Transport (Vehicle Registration) Bill 1997

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

### Overview of Bill

The objects of this Bill are:

- (a) to provide for a system for the registration of heavy vehicles in New South Wales that is substantially consistent with the national system of registration for heavy vehicles agreed between the States, the Territories and the Commonwealth, and
  - (b) to provide for certain components of that system also to apply to light vehicles, and
  - (c) to make consequential amendments to the *Traffic Act 1909* and other Acts.
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## Outline of provisions

### Part 1 Preliminary

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

**Clause 3** sets out the objects of the proposed Act.

**Clause 4** defines certain words and expressions used in the proposed Act. In particular, *registrable vehicle* is defined to mean any heavy vehicle or other motor vehicle, a trailer or any other vehicle prescribed by the regulations.

**Clause 5** applies the provisions of the *Acts Interpretation Act 1901* of the Commonwealth (with minor exceptions) to the interpretation of the proposed Act. However, the provision does not prevent the *Interpretation Act 1987* from applying to the interpretation of the proposed Act in circumstances where there is no conflict with that Commonwealth Act.

**Clause 6** provides that notes in the text of the proposed Act do not form part of the proposed Act.

### Part 2 Registration system

#### Division 1 Powers and functions of the Authority

**Clause 7** provides for the functions of the Roads and Traffic Authority (*the Authority*) in relation to the administration of the registration scheme to be established under the proposed Act.

**Clause 8** confers certain powers on the Authority to be exercised in accordance with regulations made under the proposed Act. For instance, the Authority is empowered to do the following:

- to register, or refuse to register, registrable vehicles,
- to transfer, or refuse to transfer, the registration of a registrable vehicle,
- to permit, or refuse to permit, the use of an unregistered registrable vehicle,
- to impose conditions on the registration of registrable vehicles and the use of unregistered registrable vehicles,
- to suspend or cancel registration,
- to fix administrative fees for services provided in connection with various registration processes.

**Clause 9** provides that the Authority cannot register a registrable vehicle unless it is satisfied that its garage address is in New South Wales.

**Clause 10** makes it clear that the proposed Act is not intended to provide any evidence of title to any registrable vehicle. However, this does not prevent the Authority from recording details of ownership in the Register maintained under proposed section 7 of the proposed Act.

**Clause 11** requires the Authority to ensure that information in the Register of a personal or commercially sensitive nature can only be released in accordance with the criteria to be specified by the regulations or in accordance with any other relevant law.

**Clause 12** provides that the Authority may delegate any or all of its powers under the proposed Act or regulations to any person prescribed by the regulations for that purpose.

**Clause 13** provides that devices, plates or documents issued by the Authority in the course of registering a registrable vehicle remain the property of the Authority.

## **Division 2      Regulations**

**Clause 14** enables the Governor to make regulations for the purposes of the proposed Act. It provides for various other general matters for which the regulations may make provision such as the adoption of provisions contained in other publications and the creation of offences by the regulations with a maximum penalty of 20 penalty units (currently \$2,200).

**Clause 15** sets out the matters for which regulations made under the proposed Act may make provision to establish the registration scheme contemplated by the proposed Act.

**Clause 16** provides that the regulations may exempt particular registrable vehicles from the provisions of the proposed Act and may do so subject to conditions. It also provides that the regulations may provide that specified provisions of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*, the *Roads Act 1993* and the *Traffic Act 1909* (or regulations made under those Acts) do not apply to registrable vehicles.

**Clause 17** provides for persons aggrieved by prescribed decisions under the proposed Act or the regulations to apply to the Administrative Decisions Tribunal for a review of such decisions.

### **Part 3 Offences and evidence**

**Clause 18** makes it an offence for a person to use an unregistered registrable vehicle on a road or road related area unless the vehicle is exempted from the operation of the proposed Act or its use is otherwise permitted under the proposed Act. Proposed section 4 defines *use* of a vehicle to include the standing of a vehicle. The maximum penalty for any such offence is to be 20 penalty units (currently \$2,200).

**Clause 19** makes it an offence for a person to attempt to register, or obtain an unregistered vehicle permit for, a registrable vehicle (or to possess a device, plate or document obtained) by dishonest means. The maximum penalty for any such offence is to be 20 penalty units (currently \$2,200).

**Clause 20** makes it an offence for a person to use a registrable vehicle contrary to conditions or a prohibition imposed by a police officer or the Authority under proposed section 26. The maximum penalty for any such offence is to be 20 penalty units (currently \$2,200).

**Clause 21** sets out the obligations of the registered operator of a registrable vehicle in respect of the display of plates and labels on the vehicle, documents that must be carried or produced and compliance with directions of the Authority in respect of the vehicle. It also makes it clear that the proposed Act does not affect the obligations of a registered operator to comply with the *Motor Accidents Act 1988* and the *Stamp Duties Act 1920*.

**Clause 22** provides that a court may admit into evidence a document signed on behalf of the Authority certifying certain matters about the registration of a registrable vehicle or its registered operator. The court must accept the documents as proof of the facts stated in them if there is no evidence to the contrary. It also provides that a court may admit into evidence other documents prescribed by the regulations.

### **Part 4 Miscellaneous**

**Clause 23** provides that the proposed Act binds the Crown.

**Clause 24** provides that the Minister may suspend or vary the application of the regulations in accordance with the inter-governmental agreements scheduled to the *National Road Transport Commission Act 1991* of the Commonwealth. It also provides that if the Ministerial Council for Road Transport established under those agreements terminates an emergency order, the Minister must publish a notice of the termination in the Gazette.

**Clause 25** enables the Minister to declare a specified area of the State to be either included or excluded from the application of the proposed Act or the regulations for a specified period.

**Clause 26** provides that a police officer or the Authority may inspect a registrable vehicle in order to determine its identity, condition or registration status and may issue a vehicle defect notice or impose conditions on or prohibit the use of a vehicle (or seize a device, plate or document suspected of being used in committing an offence against the proposed Act) in accordance with the regulations.

**Clause 27** enables a police officer to seize certain unregistered vehicles being used on a road or road related area. This provision is based on the provision presently contained in section 24 of the *Traffic Act 1909*.

**Clause 28** provides that an individual who, honestly and in good faith, carries out duties under the proposed Act or the regulations does not incur civil liability for any act or omission.

**Clause 29** provides that a registrable vehicle in respect of which an unregistered vehicle permit is issued under the proposed Act is taken to be registered under the proposed Act.

**Clause 30** provides that any amount of any unpaid charges or fees owed in respect of a registrable vehicle is a debt owed to the Authority recoverable in a court of competent jurisdiction.

**Clause 31** provides that registration fees are payable by the Crown in relation to its vehicles and by a statutory body representing the Crown in relation to its vehicles.

**Clause 32** gives effect to Schedule 1, which amends the *Traffic Act 1909* consequentially.

**Clause 33** gives effect to Schedule 2, which amends various other Acts consequentially.

**Clause 34** gives effect to Schedule 3, which contains provisions of a savings and transitional nature.

**Clause 35** provides for the Minister to review, and report to Parliament on, the operation of the proposed Act within 12 months of the fifth anniversary of the date on which it receives assent.

Road Transport (Vehicle Registration) Bill 1997

Explanatory note

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## **Schedules**

**Schedule 1** makes consequential amendments to the *Traffic Act 1909*.

**Schedule 2** makes consequential amendments to other Acts.

**Schedule 3** makes provision for matters of a savings and transitional nature.

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# Road Transport (Vehicle Registration) Bill 1997

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New South Wales

## Road Transport (Vehicle Registration) Bill 1997

No. , 1997

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### **A Bill for**

An Act to provide for the registration of vehicles and for related matters as part of the system for nationally consistent road transport laws; to make consequential amendments to the *Traffic Act 1909* and other Acts; and for other purposes.

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**The Legislature of New South Wales enacts:**

**Part 1 Preliminary**

**1 Name of Act**

This Act is the *Road Transport (Vehicle Registration) Act 1997*.

**2 Commencement**

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

**3 Objects of Act** (cf Cth Act s 3)

The objects of this Act are:

- (a) to make provision for the registration of registrable vehicles in accordance with the agreements scheduled to the *National Road Transport Commission Act 1991* of the Commonwealth as part of the uniform national road transport legislation envisaged by that Act, and 10
- (b) to improve road safety and transport efficiency and reduce the costs of administering road transport. 15

**4 Definitions** (cf Cth Act s 2)

In this Act:

**Authority** means the Roads and Traffic Authority.

**defective registrable vehicle** means a registrable vehicle that does not comply with: 20

- (a) a provision of Schedule F to the *Motor Traffic Regulations 1935*, or
- (b) any other prescribed provision of those Regulations.

**garage address** of a vehicle means: 25

- (a) if the vehicle is normally kept at a depot or base of operations when not in use—the principal depot or base of operations of the vehicle, or
- (b) if the vehicle is normally kept at a place (other than a depot, base of operations, road or road related area)—the place where the vehicle is normally kept, or 30

- (c) if the vehicle is normally kept on a road or road related area when not in use—the residential address of the registered operator.

**GCM (gross combination mass)** of a motor vehicle means the greatest possible sum of the maximum loaded mass of the motor vehicle and of any vehicles that may lawfully be towed by it at one time: 5

- (a) as specified by the motor vehicle's manufacturer, or  
 (b) as specified by the Authority if:
- (i) the manufacturer has not specified the sum of the maximum loaded mass, or 10  
 (ii) the manufacturer cannot be identified, or  
 (iii) the vehicle has been modified to the extent that the manufacturer's specification is no longer appropriate. 15

**GVM (gross vehicle mass)** of a vehicle means the maximum loaded mass of the vehicle:

- (a) as specified by the vehicle's manufacturer, or  
 (b) as specified by the Authority if:
- (i) the manufacturer has not specified a maximum loaded mass, or 20  
 (ii) the manufacturer cannot be identified, or  
 (iii) the vehicle has been modified to the extent that the manufacturer's specification is no longer appropriate. 25

**heavy vehicle** means a motor vehicle or trailer that has a GVM greater than 4.5 tonnes.

**jurisdiction** means a State, the Commonwealth or a Territory.

**light rail vehicle** means:

- (a) a vehicle used on a light rail system within the meaning of the *Transport Administration Act 1988*, or 30  
 (b) any other light rail system prescribed for the purposes of this definition by the regulations.

**motor vehicle** means a vehicle that is built to be propelled by a motor that forms part of the vehicle.

**Register** means the Register of Registrable Vehicles maintained in accordance with the regulations.

**registered**, in relation to a registrable vehicle, means registered under this Act. 5

**registered operator** of a registrable vehicle means the person recorded on the Register as the person responsible for the vehicle.

**registrable vehicle** means: 10

- (a) any heavy vehicle or other motor vehicle, or
- (b) any trailer, or
- (c) any other vehicle prescribed by the regulations for the purposes of this definition.

**residential address**, in relation to a company or other body corporate, means its registered office or any place recorded in the Register as its residential address or business address. 15

**road** means an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving or riding of motor vehicles. 20

**road related area** means:

- (a) an area that divides a road, or
- (b) a footpath or nature strip adjacent to a road, or
- (c) an area that is open to the public and is designated for use by cyclists or animals, or 25
- (d) an area that is not a road and that is open to or used by the public for driving, riding or parking motor vehicles, or
- (e) any other area that is open to or used by the public and that has been declared under section 25 to be an area to which specified provisions of the Act or the regulations apply. 30

**trader's plate** means a number-plate issued by the Authority to a person engaged in a relevant trade to move unregistered registrable vehicles for short-term purposes.

**trailer** means a vehicle that is built to be towed, or is towed, by a motor vehicle, but does not include a motor vehicle that is being towed. 35

**unregistered vehicle permit** means a permit referred to in section 8 (1) (d).

**use** of a vehicle includes standing the vehicle on a road or road related area.

**vehicle** means:

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- (a) any description of vehicle on wheels other than vehicles used on railways or light rail vehicles or other vehicles used on tramways, or
- (b) any other vehicle prescribed by the regulations.

**5 Application of Commonwealth Acts Interpretation Act 1901** (cf Cth Act s 5) 10

(1) The provisions of the *Acts Interpretation Act 1901* of the Commonwealth apply to the interpretation of this Act, except that, in relation to New South Wales:

- (a) "Gazette" is to refer to the New South Wales Government Gazette, and 15
- (b) "Minister" is to refer to the responsible Minister of New South Wales.

(2) This section does not prevent the *Interpretation Act 1987* from applying to this Act to the extent that it can do so consistently with the application of the *Acts Interpretation Act 1901* of the Commonwealth. 20

**6 Notes**

Notes included in this Act are explanatory notes and do not form part of this Act. 25

**Note.** For the purposes of comparison, a number of provisions of this Act contain bracketed notes in headings drawing attention ("cf") to equivalent or comparable (though not necessarily identical) provisions of other Acts. Abbreviations in the notes include:

- Cth Act: *Road Transport Reform (Heavy Vehicles Registration) Act 1997* of the Commonwealth 30
- Traffic Act: *Traffic Act 1909* (as in force immediately before the enactment of this Act).

## Part 2 Registration system

### Division 1 Powers and functions of the Authority

#### 7 Functions of Authority (cf Cth Act s 9)

- (1) The functions of the Authority under this Act are:
  - (a) to administer the registration system established by the regulations, and 5
  - (b) to maintain a Register of Registrable Vehicles in accordance with the regulations, and
  - (c) to collect registration and permit charges determined under the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* or this Act and taxes determined under the *Motor Vehicles Taxation Act 1988*, and 10
  - (d) to provide information about registrable vehicles and registered operators in accordance with the regulations.
- (2) The Register may include information notified to the Authority under this Act and such other information as the Authority considers appropriate. 15
- (3) The Register may be kept in the form of, or as part of, a computer database or in such other form as the Authority considers appropriate. 20

#### 8 Powers of Authority (cf Cth Act s 10)

- (1) For the purpose of carrying out its functions under this Act, the Authority may, in accordance with the regulations:
  - (a) register or refuse to register a registrable vehicle, and
  - (b) renew or refuse to renew the registration of a registrable vehicle, and 25
  - (c) transfer or refuse to transfer the registration of a registrable vehicle from one person to another, and
  - (d) issue a permit or refuse to issue a permit for the use of an unregistered registrable vehicle, and 30



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- (e) impose conditions on the registration of a registrable vehicle or on a permission to use an unregistered registrable vehicle, and
- (f) cancel or suspend the registration of a registrable vehicle, and 5
- (g) collect registration and permit charges determined under the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* or this Act and taxes imposed by the *Motor Vehicles Taxation Act 1988*, and
- (h) specify a GCM for a motor vehicle in the circumstances envisaged in paragraph (b) of the definition of **GCM** in section 4, and 10
- (i) specify a GVM for a motor vehicle or trailer in the circumstances envisaged in paragraph (b) of the definition of **GVM** in section 4, and 15
- (j) require proof of compliance with any applicable provisions of the *Motor Accidents Act 1988* and the *Stamp Duties Act 1920*, and
- (k) fix fees for services provided by the Authority in connection with the registration, or the late renewal of registration, of registrable vehicles or the issue of an unregistered vehicle permit, and 20
- (l) exercise other powers conferred by the regulations.
- (2) The Authority must cause details of fees fixed under subsection (1) to be published in the Gazette. 25
- 9 Authority not to register registrable vehicles based outside the State** (cf Cth Act s 11)
- The Authority must not register a registrable vehicle unless it is satisfied that the vehicle's garage address is in the State.
- 10 Register does not provide evidence of title** (cf Cth Act s 12) 30
- The Register does not provide evidence of title to any registrable vehicle.

**11 Security of information in Register** (cf Cth Act s 13)

The Authority must ensure that the information in the Register that is of a personal nature or that has commercial sensitivity for the person about whom it is kept is not released except as provided by the regulations or under another law.

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**12 Delegation by Authority** (cf Cth Act s 14)

- (1) The Authority may, by signed instrument, delegate to a person prescribed by the regulations all or any of its powers under this Act or the regulations.
- (2) Nothing in this section affects any other power of delegation that the Authority has under any other Act.

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**13 Ownership of devices, plates or documents** (cf Cth Act s 15)

Any devices, plates or documents issued by the Authority for the purpose of authorising the use of a registrable vehicle remain the property of the Authority.

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**Division 2 Regulations**

**14 Regulations** (cf Cth Act ss 16 and 24 (2) and (3))

- (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) The regulations may apply, adopt or incorporate, whether wholly or in part or with or without modifications, any publication (including any Act or regulation of the Commonwealth) as in force from time to time.

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**Note.** Section 42 (1) of the *Interpretation Act 1987* provides that if an Act authorises or requires provision to be made for or with respect to any matter by a statutory rule, such a rule may make provision for or with respect to that matter by applying, adopting or incorporating, with or without modification, the provisions of any Act or statutory rule or of any other publication, whether of the same or of a different kind.

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- However, section 69 of that Act ensures that a reference to any such publication is to be read as a reference to the publication as in force on the day the Act or instrument takes effect unless the Act or instrument provides for the application, adoption or incorporation of the publication as in force from time to time. 5
- (3) Without limiting the scope of this section or section 15, the regulations may make provision for or with respect to the same kinds of matters concerning registration, the use of registered and unregistered vehicles and number-plates in respect of which regulations could have been made under section 3 (1) of the *Traffic Act 1909*, as in force immediately before its amendment by this Act. 10
- (4) The regulations may create offences punishable by a penalty not exceeding 20 penalty units.
- 15 Regulations to establish a registration system** (cf Cth Act s 17) 15
- (1) Without limiting section 14, the regulations are to provide a system of registration of registrable vehicles that are used on roads or road related areas that:
- (a) provides a means of authorising the use of registrable vehicles on roads or road related areas, and 20
- (b) enables the identification of each registrable vehicle that is used on a road or a road related area, and of the person responsible for it.
- (2) Without limiting the scope of regulations under subsection (1), the regulations may: 25
- (a) fix the periods for which the registration of registrable vehicles may be effected or renewed, and
- (b) provide for the calculation of taxes, charges and fees for the registration of registrable vehicles for such periods as may be prescribed by the regulations, and 30
- (c) provide for the recognition by the Authority of things done under a law of another State or Territory that corresponds to this Act, and
- (d) allow the Authority to enter into agreements with registered operators about rights to use special number-plates, and 35

- (e) provide for a refund (or partial refund), in accordance with the regulations, of the registration fees for a registrable vehicle under this Act or for fees for an unregistered vehicle permit, and
  - (f) fix fees for services provided by the Authority in connection with the registration, or the late renewal of registration, of registrable vehicles or the issue of an unregistered vehicle permit, and 5
  - (g) provide for the approval by the Authority of the form in which applications are to be made to the Authority, and the form in which documents are to be issued by the Authority, for the purposes of the regulations, and 10
  - (h) make provision for or with respect to the form, issue, use, surrender and transfer of plates (including trader's plates) and registration labels, registration certificates and other registration documents, and 15
  - (i) provide for offences in relation to the forgery or alteration of plates and of registration labels, registration certificates and other registration documents and in relation to the use of any such forged or altered plate, label, certificate or document, and 20
  - (j) specify classes of persons (being persons appearing from the records kept by the Authority to have been responsible for motor vehicles or trailers) who are to be treated as being, for the purposes of section 18A of the *Traffic Act 1909*, the owners of registered motor vehicles or trailers or of motor vehicles or trailers that have been but are not registered. 25
- 16 Regulations may exclude registrable vehicles from this Act or certain other Acts and regulations** (cf Cth Act s 18) 30
- (1) The regulations may provide that this Act does not apply to a registrable vehicle, or registrable vehicles of a kind, identified in the regulations.
  - (2) The regulations may allow the Authority to exempt a registrable vehicle from the requirement to be registered subject to compliance with conditions specified in the regulations. 35

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- (3) The regulations may provide that any specified provision of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*, the *Roads Act 1993* or the *Traffic Act 1909* (or any specified regulation made under any of those Acts) does not apply to a registrable vehicle, or any class of registrable vehicle, to the extent specified by the regulations. 5

**17 Review of prescribed decisions by Administrative Decisions Tribunal** (cf Cth Act s 19)

- (1) A person aggrieved by a decision made in relation to the person under this Act or the regulations may apply to the Administrative Decisions Tribunal for a review of the decision if it belongs to a class of decisions prescribed by the regulations for the purposes of this subsection. 10
- (2) Despite subsection (1), a regulation referred to in that subsection prescribing a class of decisions may limit the class of persons who may make an application for a review of a decision referred to in the subsection. 15
- (3) A regulation referred to in subsection (1) prescribing a class of decisions cannot be made without the concurrence of the Minister administering the *Administrative Decisions Tribunal Act 1997*. 20

### Part 3 Offences and evidence

#### 18 Prohibition on using unregistered registrable vehicles (cf Cth Act s 20, Traffic Act s 6A)

- (1) A person must not use an unregistered registrable vehicle on a road or on a road related area. 5  
Maximum penalty: 20 penalty units.
- (2) Subsection (1) does not apply to the use of a registrable vehicle on a road or road related area if:
- (a) the vehicle belongs to a class of vehicle prescribed by a regulation referred to in section 16 as a vehicle to which this Act does not apply, or 10
  - (b) the use is otherwise permitted by this Act or under the regulations.
- (3) Subsection (1) does not apply to a registrable vehicle that was left standing on a road or road related area: 15
- (a) within the period of 15 days after the date on which that vehicle ceased to be registered or to be exempted from being registered, or
  - (b) with the consent of the responsible person for the road or area. 20
- (4) In this section:
- registrable vehicle** includes:
- (a) an incomplete or partially constructed vehicle, and
  - (b) the remains of a vehicle.
- responsible person**, in relation to a road or road related area on which a vehicle was left standing, means: 25
- (a) if the care, control and management of the road or area was then vested in a person other than the owner of the road or area—the person in whom the care, control and management of the road or area was vested, or 30
  - (b) in any other case—the owner of the road or area.

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**19 Obtaining registration or unregistered vehicle permits by false statements** (cf Cth Act s 21)

- (1) A person must not:
- (a) by a false statement or any misrepresentation or other dishonest means, attempt to register a registrable vehicle, or renew the registration of a registrable vehicle, under this Act, or 5
  - (b) without lawful authority or excuse possess a device, plate or document obtained using those means.
- Maximum penalty: 20 penalty units. 10
- (2) A person must not:
- (a) by a false statement or any misrepresentation or other dishonest means, attempt to obtain an unregistered vehicle permit for a registrable vehicle, or renew the permit, under this Act, or 15
  - (b) without lawful authority or excuse possess a device, plate or document obtained using those means.
- Maximum penalty: 20 penalty units.
- (3) A device, plate or document so obtained is void, and the Authority may alter the Register accordingly. 20

**20 Using registrable vehicles contrary to conditions or prohibitions** (cf Cth Act s 22)

A person must not use a registrable vehicle contrary to conditions or a prohibition imposed under section 26.

Maximum penalty: 20 penalty units. 25

**21 Obligations of registered operator** (cf Cth Act s 23)

- (1) This Act and the regulations do not affect the obligations of the registered operator of a registrable vehicle to comply with any applicable provisions of the *Motor Accidents Act 1988* and the *Stamp Duties Act 1920*. 30
- (2) The registered operator of a registrable vehicle must, in accordance with the regulations:

- (a) ensure that any devices, plates and documents issued by the Authority are installed or displayed on the vehicle, and
- (b) while operating the vehicle, carry or cause the driver to carry, documents prescribed by the regulations, and
- (c) when required to do so by the Authority, produce documents prescribed by the regulations, and 5
- (d) comply with any directions given by, and conditions imposed by, the Authority about the registration of the vehicle, and
- (e) keep records required to be kept by the regulations about the registration of the vehicle. 10

**22 Evidentiary provisions** (cf Cth Act s 25, Traffic Act ss 12 and 18 (a))

- (1) A court may admit as evidence a document that appears to be signed on behalf of the Authority certifying a matter that appears in or can be calculated from (or does not appear or cannot be calculated from) the Register or another record kept by the Authority. 15
- (2) Any such document may:
  - (a) certify particulars by reference to a specified date or period, and 20
  - (b) certify particulars that appear in or can be calculated from (or do not appear in or cannot be calculated from) records maintained under section 12 (1) of the *Traffic Act 1909* as in force immediately before it was amended by Schedule 1 to this Act in relation to matters specified in that subsection. 25
- (3) A court may admit as evidence a document that is issued under a law of another jurisdiction that corresponds with this section and that relates to:
  - (a) the registration or non-registration of a registrable vehicle, or 30
  - (b) the person recorded on the Register as the registered operator of a registrable vehicle, or
  - (c) the GCM, GVM, load capacity or identification of a motor vehicle, or 35



- (d) any other matter relating to the use of registrable vehicles on roads or road related areas.
- (4) The court must accept the documents as proof of the facts stated in them if there is no evidence to the contrary.
- (5) A court may admit into evidence other documents prescribed by the regulations in the circumstances set out in the regulations. 5
- (6) In any proceedings in any court, proof that a registrable vehicle does not have a number-plate on it issued under this Act is evidence that the vehicle is not registered if there is no evidence to the contrary. 10

Clause 23 Road Transport (Vehicle Registration) Bill 1997

Part 4 Miscellaneous

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## Part 4 Miscellaneous

### 23 Act to bind Crown (cf Cth Act s 4, Traffic Act s 16)

This Act binds the Crown in right of New South Wales and, in so far as the legislative power of the Parliament of New South Wales permits, the Crown in all its other capacities. 5

### 24 Application orders and emergency orders (cf Cth Act s 26)

(1) The Minister may order, by notice published in the Gazette, that the operation of the regulations, or of specified parts of the regulations:

- (a) is suspended for a specified period, or 10
- (b) is varied in a manner specified by the Minister.

(2) An order must be consistent with the provisions relating to application orders and emergency orders in the agreements scheduled to the *National Road Transport Commission Act 1991* of the Commonwealth. 15

(3) An order may have effect for the whole of the State or for a specified area.

(4) If the Ministerial Council terminates an emergency order, the Minister must publish notice of the termination in the Gazette.

(5) In this section: 20

*Ministerial Council* has the same meaning as it has in the *National Road Transport Commission Act 1991* of the Commonwealth.

### 25 Power to include or exclude areas (cf Cth Act s 27)

(1) The Minister may declare, by notice published in the Gazette, that this Act and the regulations, or specified provisions of this Act or the regulations: 25

- (a) apply to a specified area of the State that is open to or used by the public, or
- (b) do not apply to a specified road or road related area. 30

(2) The declaration has effect until it is revoked, or for the period specified in the declaration.

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**26 Defective registrable vehicles** (cf Cth Act s 28)

- (1) A police officer, or the Authority, may inspect a registrable vehicle for the purpose of deciding its identity, condition or the status of any registration or permit relating to the vehicle.
- (2) A police officer, or the Authority, may, in accordance with the regulations, on discovering a defective registrable vehicle: 5
  - (a) issue a warning or a defect notice, or
  - (b) impose conditions on the use of the vehicle, or
  - (c) prohibit the use of the vehicle.
- (3) A defect notice may be withdrawn in accordance with the regulations. 10
- (4) After inspecting a registrable vehicle, a police officer, or the Authority, may seize any device, plate or document in or on the vehicle if it is suspected on reasonable grounds that the device, plate or document is being used in committing an offence against this Act or the regulations. 15

**27 Power to seize unregistered vehicles** (cf Traffic Act s 24)

- (1) A police officer may seize any unregistered registrable vehicle (other than a registrable vehicle exempted from registration under this Act) that is being used on a road or road related area. 20
- (2) If any such registrable vehicle has been seized, a Local Court may, on the application of a police officer, make an order declaring the vehicle to be forfeited to the Crown.
- (3) If such an application is made, the following provisions have effect: 25
  - (a) notice of the application is to be given to the person who had the custody of the vehicle at the time of the seizure if the person can be found and to such other persons (if any) as the Local Court concerned may direct,
  - (b) no order of forfeiture may be made if the owner of the vehicle satisfies the Local Court concerned that there has been no intent to evade registration of the vehicle. 30
- (4) A person aggrieved by an order of a Local Court made under this section may appeal against the order in the manner provided by the *Justices Act 1902*. 35

- (5) The Authority may waive the forfeiture of a vehicle on payment within such period as the Authority may allow of a fine equivalent to the sum obtained by adding together:
- (a) the fee for the registration or renewal of the registration of the vehicle for each applicable registration period in any part of which the vehicle was used while unregistered, and 5
  - (b) the motor vehicle tax imposed under the *Motor Vehicles Taxation Act 1988* or the charges or administration fees imposed under the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* which would be due on the application for that registration or renewal, 10
- together with a further fine of 20 per cent of that sum.
- (6) If any such fine is not paid within the period so allowed, the Authority may dispose of the vehicle in the manner prescribed by the regulations. 15
- (7) If a vehicle is sold under subsection (6), the Authority is to apply the proceeds of the sale as prescribed by the regulations.

**28 Indemnity** (cf Cth Act s 29)

- (1) An individual does not incur civil liability for an act or omission done honestly and in good faith in the course of his or her duties under this Act or the regulations. 20
- (2) A liability that would, apart from this section, attach to an individual attaches instead to the Authority.

**29 Status of unregistered vehicles having permits** (cf Traffic Act s 3 (1A)) 25

An unregistered registrable vehicle in respect of which an unregistered vehicle permit is in force is taken for the purposes of this Act or any other Act relating to the registration or licensing of vehicles to be a registered vehicle.

**30 Unpaid charges and fees** (cf Cth Act s 30) 30

An amount of any unpaid charges or fees in respect of a registrable vehicle under this Act is a debt due to the Authority and may be recovered in a court of competent jurisdiction.

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**31 Fees in relation to registration of vehicles of Crown and statutory bodies** (cf Traffic Act s 11D)

Any fees relating to the registration of a registrable vehicle payable under this Act:

- (a) if the vehicle is owned by the Crown—are payable by the Crown, or 5
- (b) if the vehicle is owned by a statutory body representing the Crown—are payable by the statutory body.

**32 Amendment of Traffic Act 1909 No 5**

The *Traffic Act 1909* is amended as set out in Schedule 1. 10

**33 Amendment of other Acts**

The Acts set out in Schedule 2 are amended as set out in that Schedule.

**34 Savings and transitional provisions**

Schedule 3 has effect. 15

**35 Review of Act**

- (1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to this Act. 20
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.

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**Schedule 1 Amendments to Traffic Act 1909**

(Section 32)

**[1] Section 2 Definitions**

Omit the definition of *Registered* from section 2 (1).

Insert in alphabetical order:

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*Registered*, in relation to a vehicle, means registered under and in accordance with the *Road Transport (Vehicle Registration) Act 1997* and the regulations made under that Act.

*Trader's plate* has the same meaning as it has in the *Road Transport (Vehicle Registration) Act 1997*.

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**[2] Section 2 (1), definition of "Vehicle"**

Omit the definition of *Vehicle*. Insert instead:

*Vehicle* means:

- (a) any description of vehicle on wheels other than vehicles used on railways or light rail vehicles or other vehicles used on tramways, or
- (b) any other vehicle prescribed by the regulations.

15

**[3] Section 3 Regulations**

Omit section 3 (1) (g2) (v), (j), (j1), (k), (k1), (l), (m), (q1), (q2), (q7), (q11) and (q12).

20

**[4] Section 3 (1) (t)**

Omit the paragraph. Insert instead:

- (t) make provision for or with respect to the refund, or partial refund, of the fee paid for a driver's licence,

25

**[5] Section 3 (1A)**

Omit the subsection.

- 
- [6] Section 5B Motor vehicles to be registered**  
Omit the section.
- [7] Section 6 Driver must be licensed, and vehicle numbered**  
Omit section 6 (1) (c) and (1A).
- [8] Section 6A Standing of unregistered vehicles upon public streets** 5  
Omit the section.
- [9] Section 7 Unlawfully obtaining or possessing licences**  
Omit section 7 (1). Insert instead:
- (1) Any person who: 10
    - (a) by any false statement or misrepresentation obtains or attempts to obtain a licence or who wilfully furnishes false or misleading information with regard to particulars required by the Act or the regulations to be furnished in relation to a licence, or 15
    - (b) without lawful excuse has in his possession:
      - (i) any licence issued under this Act, or
      - (ii) any article resembling a licence issued under this Act and calculated to deceive, or 20
    - (c) forges or fraudulently alters or uses, or fraudulently lends or allows to be used by any other person, any licence issued under this Act,

is guilty of an offence under this Act.
- [10] Sections 11A–11D** 25  
Omit the sections.

**[11] Section 12 Records and evidence**

Omit section 12 (1). Insert instead:

- (1) The Authority is to keep records of the licensing of drivers of motor vehicles and matters relating to such licensing, including (but not limited to) the following: 5
- (a) the grant, refusal, renewal, suspension and cancellation of licences, and
  - (b) the disqualification of persons for driving any class of motor vehicle.

**[12] Section 18 Facilitation of proof** 10

Omit the section.

**[13] Section 18A Liability of vehicle owner for designated offences**

Omit paragraphs (b)–(d) of the definition of *Owner* in section 18A (5).

Insert instead: 15

- (b) the registered operator of the vehicle within the meaning of the *Road Transport (Vehicle Registration) Act 1997*, except where the person has sold or otherwise disposed of the vehicle and has complied with any applicable provisions of this Act or the *Road Transport (Vehicle Registration) Act 1997* (or regulations made under either Act) in respect of the sale or disposal, or 20
- (c) in the case of a vehicle to which a trader's plate is affixed—the person to whom the trader's plate has been issued. 25

**[14] Section 18B Penalty notices for certain offences**

Insert after section 18B (1) (cc):

- (cd) has committed any prescribed offence under the *Road Transport (Vehicle Registration) Act 1997* or any regulation made under that Act, 30

**[15] Section 24 Power to seize unregistered vehicles**

Omit the section.



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## Schedule 2 Amendment of other Acts

(Section 33)

### 2.1 Bicentennial Park Trust Act 1987 No 29

#### [1] Section 22 Liability of vehicle owner for parking offences

Omit paragraphs (b)–(d) from the definition of *owner* in section 22 (6). 5

Insert instead:

- (b) the registered operator of the vehicle within the meaning of the *Road Transport (Vehicle Registration) Act 1997*, except where the person has sold or otherwise disposed of the vehicle and has complied with any applicable provisions of the *Traffic Act 1909* or *Road Transport (Vehicle Registration) Act 1997* (or regulations made under either Act) in respect of the sale or disposal, 10 15
- (c) in the case of a vehicle to which a trader's plate is affixed—the person to whom the trader's plate has been issued, and
- (d) a person who, by a regulation referred to in section 15 (2) (j) of the *Road Transport (Vehicle Registration) Act 1997*, is to be treated as being, for the purposes of section 18A of the *Traffic Act 1909*, the owner of the vehicle. 20

#### [2] Section 22 (6)

Omit the definitions of *registered* and *trader's plate*. 25

Insert in alphabetical order:

*registered* means registered under the *Road Transport (Vehicle Registration) Act 1997*.

*trader's plate* means a trader's plate within the meaning of the *Road Transport (Vehicle Registration) Act 1997*. 30

**2.2 Centennial Park and Moore Park Trust Act 1983 No 145**

**[1] Section 23 Liability of vehicle owner for certain offences**

Omit paragraphs (b)–(d) of the definition of *owner* in section 23 (6).  
Insert instead:

- (b) the registered operator of the vehicle within the meaning of the *Road Transport (Vehicle Registration) Act 1997*, except where the person has sold or otherwise disposed of the vehicle and has complied with any applicable provisions of the *Traffic Act 1909* or *Road Transport (Vehicle Registration) Act 1997* (or regulations made under either Act) in respect of the sale or disposal, 5
- (c) in the case of a vehicle to which a trader's plate is affixed—the person to whom the trader's plate has been issued, and 10
- (d) a person who, by a regulation referred to in section 15 (2) (j) of the *Road Transport (Vehicle Registration) Act 1997*, is to be treated as being, for the purposes of section 18A of the *Traffic Act 1909*, the owner of the vehicle. 15

**[2] Section 23 (6)**

Omit the definitions of *registered* and *trader's plate*.  
Insert in alphabetical order:

*registered* means registered under the *Road Transport (Vehicle Registration) Act 1997*. 25

*trader's plate* means a trader's plate within the meaning of the *Road Transport (Vehicle Registration) Act 1997*.

**2.3 Clean Air Act 1961 No 69**

**[1] Section 21A Definitions**

Omit paragraphs (b) and (c) from the definition of *owner* in section 21A (1). 30  
Insert instead:

- 
- (b) the registered operator of the vehicle within the meaning of the *Road Transport (Vehicle Registration) Act 1997*, except where the person has sold or otherwise disposed of the vehicle and has complied with any applicable provisions of the *Traffic Act 1909* or *Road Transport (Vehicle Registration) Act 1997* (or regulations made under either Act) in respect of the sale or disposal, and 5
- (c) in the case of a vehicle to which a trader's plate within the meaning of the *Road Transport (Vehicle Registration) Act 1997* is affixed—the person to whom the trader's plate has been issued. 10
- [2] Section 21E Defences to prosecutions for offences under section 21B, 21C or 21D**
- Omit "*Motor Traffic Act 1909*" from section 21E (b) (iv). 15  
Insert instead "*Traffic Act 1909* or *Road Transport (Vehicle Registration) Act 1997*".
- [3] Section 34 Regulations**
- Omit "*Motor Traffic Act 1909*" wherever occurring in section 34 (1) (f4) and (k) and (3B). 20  
Insert instead "*Road Transport (Vehicle Registration) Act 1997*".
- 2.4 Construction Safety Act 1912 No 38**
- Section 3 Definitions**
- Omit paragraph (d) from the definition of *Amusement device* in section 3 (1). 25  
Insert instead:
- (d) a registrable vehicle within the meaning of the *Road Transport (Vehicle Registration) Act 1997*,

**2.5 Crown Lands Act 1989 No 6**

**[1] Section 161 Liability of vehicle owner for certain offences**

Omit paragraphs (b)–(d) of the definition of *owner* in section 161 (6).

Insert instead:

- (b) the registered operator of the vehicle within the meaning of the *Road Transport (Vehicle Registration) Act 1997*, except where the person has sold or otherwise disposed of the vehicle and has complied with any applicable provisions of the *Traffic Act 1909* or *Road Transport (Vehicle Registration) Act 1997* (or regulations made under either Act) in respect of the sale or disposal, 10
- (c) in the case of a vehicle to which a trader's plate is affixed—the person to whom the trader's plate has been issued, and 15
- (d) a person who, by a regulation referred to in section 15 (2) (j) of the *Road Transport (Vehicle Registration) Act 1997*, is to be treated as being, for the purposes of section 18A of the *Traffic Act 1909*, the owner of the vehicle. 20

**[2] Section 161 (6)**

Omit the definitions of *registered* and *trader's plate*.

Insert in alphabetical order:

*registered* means registered under the *Road Transport (Vehicle Registration) Act 1997*. 25

*trader's plate* means a trader's plate within the meaning of the *Road Transport (Vehicle Registration) Act 1997*.

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## 2.6 Driving Instructors Act 1992 No 3

### Section 51 Identification of persons offering driving instruction

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

- (c) if the vehicle is registered under the *Road Transport (Vehicle Registration) Act 1997* (or registered or licensed under the law of any other State, or of any Territory or country that corresponds to the requirements of that Act relating to the registration of motor vehicles)—the person in whose name the vehicle is registered, 5  
10

## 2.7 Fines Act 1996 No 99

### Section 3 Definitions

Omit “*Traffic Act 1909*” from the definition of **registered** in section 3 (1).

Insert instead “*Road Transport (Vehicle Registration) Act 1997*”. 15

## 2.8 Forestry Act 1916 No 55

### Section 38C Liability of vehicle owners for parking offences

Omit paragraphs (b) and (c) of the definition of **owner** in section 38C (1).

Insert instead: 20

- (b) the registered operator of the vehicle within the meaning of the *Road Transport (Vehicle Registration) Act 1997*, except where the person has sold or otherwise disposed of the vehicle and has complied with any applicable provisions of the *Traffic Act 1909* or *Road Transport (Vehicle Registration) Act 1997* (or regulations made under either Act) in respect of the sale or disposal, and 25

- (c) in the case of a vehicle to which a trader's plate within the meaning of the *Road Transport (Vehicle Registration) Act 1997* is affixed—the person to whom the trader's plate has been issued.

**2.9 Home Building Act 1989 No 147** 5

**Section 3 Definitions**

Omit "*Traffic Act 1909*" from the definition of *kit home* in section 3 (1).

Insert instead "*Road Transport (Vehicle Registration) Act 1997*".

**2.10 Impounding Act 1993 No 31** 10

**Section 43 Police required to provide assistance on request**

Omit "under the regulations made under the *Traffic Act 1909*" from section 43 (2).

Insert instead "under the *Road Transport (Vehicle Registration) Act 1997*".

15

**2.11 Justices Act 1902 No 27**

**[1] Section 63 Manner of service of summons**

Omit "in pursuance of subsection (1) of section 12 of the *Traffic Act 1909*" from section 63 (6) (b).

Insert instead "under the *Road Transport (Vehicle Registration) Act 1997*".

20

**[2] Section 100ZE Interim restoration of licence by order**

Omit "*Motor Traffic Act 1909*" from section 100ZE (2).

Insert instead "*Traffic Act 1909* or *Road Transport (Vehicle Registration) Act 1997*, respectively".

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**2.12 Local Government Act 1993 No 30**

**[1] Dictionary**

Omit paragraph (d) of the note to the definition of *amusement device*.

Insert instead:

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- (d) a registrable vehicle within the meaning of the *Road Transport (Vehicle Registration) Act 1997*,

**[2] Dictionary, definition of “manufactured home”**

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

- (b) that is not a registrable vehicle within the meaning of the *Road Transport (Vehicle Registration) Act 1997*,

10

**2.13 Maritime Services Act 1935 No 47**

**Section 30C Liability of vehicle owner for parking offences**

Omit paragraph (b) (i)–(iii) from the definition of *Owner* in section 30C (6).

15

Insert instead:

- (i) the registered operator of the vehicle within the meaning of the *Road Transport (Vehicle Registration) Act 1997*, except where the person has sold or otherwise disposed of the vehicle and has complied with any applicable provisions of the *Traffic Act 1909* or *Road Transport (Vehicle Registration) Act 1997* (or regulations made under either Act) in respect of the sale or disposal, or
- (ii) in the case of a vehicle to which a trader’s plate within the meaning of the *Road Transport (Vehicle Registration) Act 1997* is affixed—the person to whom the trader’s plate has been issued, or

20

25

30

- (iii) a person who, by a regulation referred to in section 15 (2) (j) of the *Road Transport (Vehicle Registration) Act 1997*, is to be treated as being, for the purposes of section 18A of the *Traffic Act 1909*, the owner of the vehicle. 5

## 2.14 Motor Accidents Act 1988 No 102

### [1] Section 3 Definitions

Omit “*Motor Traffic Act 1909*” from paragraph (a) of the definition of **registration** in section 3 (1). 10  
Insert instead “*Road Transport (Vehicle Registration) Act 1997*”.

### [2] Section 3 (1), definition of “excluded area” (as inserted by the Traffic Legislation Amendment Act 1997)

Omit the definition. Insert instead:

**excluded area** means a road or road related area within the meaning of the *Road Transport (Vehicle Registration) Act 1997* that is the subject of a declaration made under section 25 (1) (b) of that Act relating to a provision of that Act, or regulations made under it. 15

### [3] Section 3 (1), definition of “registration” 20

Omit paragraph (b). Insert instead:

(b) the issue of an unregistered vehicle permit under the *Road Transport (Vehicle Registration) Act 1997* for an unregistered motor vehicle, or

### [4] Section 3 (1), definition of “trader’s plate” 25

Omit the definition. Insert instead:

**trader’s plate** means a trader’s plate within the meaning of the *Road Transport (Vehicle Registration) Act 1997*.



- 
- [5] **Section 8 Offence of using etc uninsured motor vehicle on public street**  
Omit "*Motor Traffic Act 1909*" from section 8 (3) (a) (i).  
Insert instead "*Road Transport (Vehicle Registration) Act 1997*".
- [6] **Section 8 (3) (a) (ii)** 5  
Omit the subparagraph. Insert instead:  
(ii) subject to an unregistered vehicle permit under the *Road Transport (Vehicle Registration) Act 1997*, or
- 2.15 Motor Dealers Act 1974 No 52** 10  
**Section 23B Sale by auction of vehicles to which number-plates are attached**  
Omit "*Traffic Act 1909*" from section 23B (3) (a).  
Insert instead "*Road Transport (Vehicle Registration) Act 1997*".
- 2.16 Motor Vehicles Taxation Act 1988 No 111** 15
- [1] **Section 3 Definitions**  
Omit "*Traffic Act 1909*" from the definition of **registered** in section 3 (1).  
Insert instead "*Road Transport (Vehicle Registration) Act 1997*".
- [2] **Section 13** 20  
Omit the section. Insert instead:
- 13 Refund of tax on surrender of registration** (cf Act No 34, 1949, s 11)  
If, before the expiration of the registration of a motor vehicle, the Authority cancels the registration on the application of the person in whose name the vehicle is 25

registered, the Authority may, in its discretion, grant to the person a refund of the tax imposed in respect of the vehicle:

- (a) calculated at the rate of one-twelfth of that tax applicable in respect of a yearly registration of the motor vehicle for each complete month in the portion of the period for which the vehicle was registered unexpired at the date on which the registration was cancelled, less any cancellation fee determined by the Authority, or 5
- (b) calculated in such manner as may be prescribed by the regulations. 10

**[3] Section 16 Vehicles totally exempt from tax**

Omit "*Traffic Act 1909*" from section 16 (1) (b).  
Insert instead "*Road Transport (Vehicle Registration) Act 1997*". 15

**2.17 National Parks and Wildlife Act 1974 No 80**

**Section 159 Liability of vehicle owner for parking offences**

Omit paragraph (b) (i) and (ii) from the definition of *owner* in section 159 (1).  
Insert instead: 20

- (i) the registered operator of the vehicle within the meaning of the *Road Transport (Vehicle Registration) Act 1997*, except where the person has sold or otherwise disposed of the vehicle and has complied with any applicable provisions of the *Traffic Act 1909* or *Road Transport (Vehicle Registration) Act 1997* (or regulations made under either Act) in respect of the sale or disposal, or 25
- (ii) in the case of a vehicle to which a trader's plate within the meaning of the *Road Transport (Vehicle Registration) Act 1997* is affixed—the person to whom the trader's plate has been issued. 30

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**2.18 Noise Control Act 1975 No 35**

**Section 65 Regulations respecting the registration of motor vehicles**

Omit "*Motor Traffic Act 1909*" wherever occurring in section 65 (1) and (2).

Insert instead "*Road Transport (Vehicle Registration) Act 1997*".

5

**2.19 Passenger Transport Act 1990 No 39**

**Section 40 Stand-by taxi-cabs**

Omit "*Traffic Act 1909*" wherever occurring in section 40 (2) (b) and (c).

Insert instead "*Road Transport (Vehicle Registration) Act 1997*".

10

**2.20 Recreation Vehicles Act 1983 No 136**

**[1] Section 4 Definitions**

Omit the definition of *number-plate* from section 4 (1).

Insert instead:

15

*number-plate*, in relation to a motor vehicle registered under the *Road Transport (Vehicle Registration) Act 1997*, means a number-plate issued under that Act.

**[2] Section 4 (1), definition of "registered owner"**

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

20

(b) in relation to a motor vehicle that is registered under the *Road Transport (Vehicle Registration) Act 1997*—the registered operator of the vehicle within the meaning of that Act.

- [3]      **Section 24 Prohibition of unregistered vehicles in recreation vehicle areas**
- Omit "*Traffic Act 1909*" wherever occurring in section 24 (1)–(3).  
Insert instead "*Road Transport (Vehicle Registration) Act 1997*".
- [4]      **Section 26 Registration plates etc to be attached to motor vehicles**      5
- Omit "*Traffic Act 1909*" from section 26 (b).  
Insert instead "*Road Transport (Vehicle Registration) Act 1997*".
- [5]      **Section 33 Powers of authorised officers: generally**
- Omit "*Traffic Act 1909*" from section 33 (4).      10  
Insert instead "*Road Transport (Vehicle Registration) Act 1997*".
- [6]      **Section 35 Registered owners to identify drivers of registered motor vehicles**
- Omit "*Traffic Act 1909*" from section 35 (3).  
Insert instead "*Road Transport (Vehicle Registration) Act 1997*".      15
- 2.21 Residential Tenancies Act 1987 No 26**
- Section 3 Definitions**
- Omit the definition of *registrable moveable dwelling* in section 3 (1).  
Insert instead:
- registrable moveable dwelling* means a moveable dwelling that is a registrable vehicle within the meaning of the *Road Transport (Vehicle Registration) Act 1997*.      20

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**2.22 Road Obstructions (Special Provisions) Act 1979 No 9**

**Section 3 Definitions**

Omit "*Motor Traffic Act 1909*" from paragraph (c) of the definition of *owner* in section 3 (1).

Insert instead "*Road Transport (Vehicle Registration) Act 1997*". 5

**2.23 Road Transport (Heavy Vehicles Registration Charges) Act 1995 No 72**

**[1] Section 3 Definitions**

Omit "*Traffic Act 1909*" from the definition of *registered* in section 3.

Insert instead "*Road Transport (Vehicle Registration) Act 1997*". 10

**[2] Section 7 Registration charges**

Omit section 7 (4). Insert instead:

(4) In addition to the registration charges payable for a vehicle: 15

(a) if the registration period for the vehicle is 3 months—an administration fee equal to 2.5% of the annual registration charge for the vehicle is payable, or

(b) if the registration period for the vehicle is 6 months—an administration fee equal to 5% of the annual registration charge for the vehicle is payable. 20

**[3] Section 22 Refund of charges on cancellation of registration or permit** 25

Omit section 22 (3). Insert instead:

(3) The refund is to be calculated:

- (a) at the rate of one-twelfth of the charge applicable in respect of a yearly registration or permit for each complete month in the portion of the unexpired period of the registration or permit at the date of the cancellation, less any cancellation fee determined by the Authority, or 5
- (b) in such manner as may be prescribed by the regulations.

**[4] Section 28 Exemption for vehicles with traders' plates**

Omit "*Traffic Act 1909*". 10  
Insert instead "*Road Transport (Vehicle Registration) Act 1997*".

**2.24 Roads Act 1993 No 33**

**Dictionary**

Omit paragraphs (c) and (d) from the definition of *owner of a vehicle*. 15

Insert instead:

- (c) the registered operator of the vehicle under the *Road Transport (Vehicle Registration) Act 1997* or under any corresponding law of another State or Territory, 20
- (d) in the case of a vehicle to which a trader's plate (within the meaning of the *Road Transport (Vehicle Registration) Act 1997*) is attached, the person to whom the trader's plate is issued.

**2.25 Royal Botanic Gardens and Domain Trust Act 1980 No 19** 25

**[1] Section 22A Liability of vehicle owner for parking offences**

Omit paragraphs (b)–(d) of the definition of *owner* in section 22A (7).

Insert instead: 30

- (b) the registered operator of the vehicle within the meaning of the *Road Transport (Vehicle Registration) Act 1997*, except where the person

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has sold or otherwise disposed of the vehicle and has complied with any applicable provisions of the *Traffic Act 1909* or *Road Transport (Vehicle Registration) Act 1997* (or regulations made under either Act) in respect of the sale or disposal, and 5

(c) in the case of a vehicle to which a trader's plate is affixed—the person to whom the trader's plate has been issued, and

(d) a person who, by a regulation referred to in section 15 (2) (j) of the *Road Transport (Vehicle Registration) Act 1997*, is to be treated as being, for the purposes of section 18A of the *Traffic Act 1909*, the owner of the vehicle. 10

**[2] Section 22A (7)**

Omit the definitions of *registered* and *trader's plate*. 15  
Insert in alphabetical order:

*registered* means registered under the *Road Transport (Vehicle Registration) Act 1997*.

*trader's plate* means a trader's plate within the meaning of the *Road Transport (Vehicle Registration) Act 1997*. 20

**2.26 Stamp Duties Act 1920 No 47**

**Section 84G Duty on motor vehicle certificates of registration**

Omit "*Motor Traffic Act 1909*" wherever occurring in section 84G (1) (except section 84G (1) (c)) and (2A) (a).

Insert instead "*Traffic Act 1909* or *Road Transport (Vehicle Registration) Act 1997*". 25

**2.27 State Sports Centre Trust Act 1984 No 68**

**[1] Section 20A Liability of vehicle owner for parking offences**

Omit paragraph (b) (i)–(iii) of the definition of *owner* in section 20A (7).

Insert instead:

- (i) the registered operator of the vehicle within the meaning of the *Road Transport (Vehicle Registration) Act 1997*, except where the person has sold or otherwise disposed of the vehicle and has complied with any applicable provisions of the *Traffic Act 1909* or *Road Transport (Vehicle Registration) Act 1997* (or regulations made under either Act) in respect of the sale or disposal, and 10
- (ii) in the case of a vehicle to which a trader's plate is affixed—the person to whom the trader's plate has been issued, and 15
- (iii) a person who, by a regulation referred to in section 15 (2) (j) of the *Road Transport (Vehicle Registration) Act 1997*, is to be treated as being, for the purposes of section 18A of the *Traffic Act 1909*, the owner of the vehicle. 20

**[2] Section 20A (7)**

Omit the definitions of *registered* and *trader's plate*. 25

Insert in alphabetical order:

*registered* means registered under the *Road Transport (Vehicle Registration) Act 1997*.

*trader's plate* means a trader's plate within the meaning of the *Road Transport (Vehicle Registration) Act 1997*. 30



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**2.28 Transport Administration Act 1988 No 109**

**Section 116 Liability of vehicle owner for parking offences on Authority's land**

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

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Insert instead:

- (i) the registered operator of the vehicle within the meaning of the *Road Transport (Vehicle Registration) Act 1997*, except where the person has sold or otherwise disposed of the vehicle and has complied with any applicable provisions of the *Traffic Act 1909* or *Road Transport (Vehicle Registration) Act 1997* (or regulations made under either Act) in respect of the sale or disposal, and 10  
15
- (ii) in the case of a vehicle to which a trader's plate within the meaning of the *Road Transport (Vehicle Registration) Act 1997* is affixed—the person to whom the trader's plate has been issued, and 20
- (iii) a person who, by a regulation referred to in section 15 (2) (j) of the *Road Transport (Vehicle Registration) Act 1997*, is to be treated as being, for the purposes of section 18A of the *Traffic Act 1909*, the owner of the vehicle. 25

## Schedule 3 Savings and transitional provisions

(Section 34)

### Part 1 General

#### 1 Regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts: 5  
this Act
- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date. 10
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or 15
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication. 20

### Part 2 Provisions consequent on enactment of this Act

#### 2 Definitions

In this Part:

*existing label* means a registration label (or renewal of a registration label) issued under the *Motor Traffic Regulations 1935* that was in force immediately before the commencement of Schedule 1 [1] to this Act. 25

**existing plate** means a number-plate issued under the *Motor Traffic Regulations 1935* that was in force immediately before the commencement of Schedule 1 [1] to this Act.

**existing registered vehicle** means an existing registrable vehicle that was registered under the *Traffic Act 1909* immediately before the commencement of Schedule 1 [1] to this Act. 5

**existing registrable vehicle** means a vehicle within the meaning of the *Traffic Act 1909*, as in force immediately before the commencement of Schedule 1 [1] to this Act, that belongs to a class of vehicles that could have been registered under that Act as in force at that time. 10

**existing registration** means the registration of an existing registrable vehicle under the *Traffic Act 1909* that was still in force immediately before the commencement of Schedule 1 [1] to this Act. 15

**existing unregistered vehicle permit** means a permit issued by the Authority under Regulation 53A of the *Motor Traffic Regulations 1935* that was in force immediately before the commencement of Schedule 1 [1] to this Act.

**unexpired registration period** of an existing registered vehicle means the portion of the period for which the vehicle was registered under the *Traffic Act 1909* that had not expired immediately before the commencement of Schedule 1 [1] to this Act. 20

### 3 Existing registration 25

- (1) An existing registered vehicle is taken to be registered under this Act.
- (2) The period of registration for any such vehicle is taken to be the unexpired registration period of the vehicle.
- (3) Accordingly: 30
  - (a) any existing registration labels or existing plates of the vehicle are taken to be labels and plates issued by the Authority under this Act, and

- (b) any fees or charges owing to the Authority under the *Traffic Act 1909* in respect of an existing registration immediately before the commencement of Schedule 1 [1] to this Act are taken to be owing to the Authority under this Act, and 5
- (c) any fees or charges paid under the *Traffic Act 1909* in relation to an existing registered vehicle before the commencement of Schedule 1 [1] to this Act may be refunded under this Act in accordance with the regulations referred to in section 15 (2) (e). 10
- (4) Despite subclause (3), the regulations may make provision for or with respect to the continuation under this Act of existing plates issued under Regulation 5B of the *Motor Traffic Regulations 1935*.
- 4 Existing unregistered vehicle permits** 15
- (1) An existing unregistered vehicle permit is taken:
- (a) to be an unregistered vehicle permit that has been issued by the Authority under this Act for the period of the existing unregistered vehicle permit that remains unexpired immediately before the commencement of Schedule 1 [1] to this Act, and 20
- (b) to be subject to same conditions to which it was subject immediately before that commencement.
- (2) Any fees or charges owing to the Authority under the *Traffic Act 1909* in respect of an existing unregistered vehicle permit immediately before the commencement of Schedule 1 [1] to this Act are taken to be owing to the Authority under this Act. 25
- (3) Any fee or charge paid under the *Traffic Act 1909* in respect of an existing unregistered vehicle permit before the commencement of Schedule 1 [1] to this Act may be refunded under this Act in accordance with the regulations referred to in section 15 (2) (e). 30

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**5 Reference to trader's plates**

Any reference (however expressed) in any other Act or instrument made under any Act or any other instrument of any kind to a trader's plate issued under the *Traffic Act 1909* (or the regulations made under that Act) is taken to be a reference to a trader's plate within the meaning of this Act. 5

**6 References to registration under Traffic Act 1909**

(1) Any reference (however expressed) in any other Act or instrument made under any Act or any other instrument of any kind to the registration of a vehicle under the *Traffic Act 1909* (or the regulations made under that Act) is taken to be a reference to the registration of a vehicle under this Act. 10

(2) This clause does not apply to the *Motor Vehicles (Third Party Insurance) Act 1942* or other prescribed provisions.

**7 Seizures under section 24 of Traffic Act 1909** 15

Section 24 of the *Traffic Act 1909*, as in force immediately before its repeal by this Act, continues to apply to any existing registrable vehicle seized under that section before that repeal as if this Act had not been enacted.

**8 Offences under Traffic Act 1909** 20

(1) The *Traffic Act 1909* as in force immediately before the commencement of a relevant item applies to a relevant offence committed, or alleged to have been committed, before the commencement of that item.

(2) In this clause: 25

*relevant item* means an item of Schedule 1 to this Act that amends a provision of the *Traffic Act 1909* that contains an offence.

Road Transport (Vehicle Registration) Bill 1997

Schedule 3 Savings and transitional provisions

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***relevant offence*** means an offence under the *Traffic Act 1909* that is amended by a relevant item.

**Note.** Section 30 of the *Interpretation Act 1987* is a general provision preserving rights accruing and liabilities incurred before an amendment or repeal of a provision of an Act or statutory rule.

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